

COMMONWEALTH OF PENNSYLVANIA  
PUBLIC UTILITY COMMISSION

Edward O'Toole,  
v.  
Metropolitan Edison,  
A First Energy Company  
Initial hearing

Docket No.: C-20030854

**DOCKETED**  
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Public Utility Commission  
400 North Street  
Hearing Room 2  
Harrisburg, PA  
October 26, 2004  
Commencing at 9:55 a.m.

BEFORE: ANGELA JONES,  
Administrative Law Judge

APPEARANCES:

EDWARD O'TOOLE, PRO SE  
For the Complainant

MATTHEW A. TOTINO, Esquire  
JOHN F. POVILAITIS, Esquire  
Ryan, Russell, Ogden & Seltzer, LLP  
800 North Third Street  
Suite 101  
Harrisburg, PA 17102-2025  
For the Respondent

*CE...*

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SECRETARY'S BUREAU

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JUDGE JONES:

Good morning. This is the time and place scheduled for the matter of Edward T. O'Toole versus Metropolitan Edison Company. I am Administrative Law Judge Angela Jones. I have been assigned to this matter. I note the appearance of Mr. Matthew A. Totino and Mr. John F. Povilaitis representing Metropolitan Edison Company. Also Mr. Edward T. O'Toole acting pro se for the interest of himself.

I do believe there is one preliminary matter that I need to share with the parties. Do the parties have any preliminary matters for me?

ATTORNEY TOTINO:

We don't, Your Honor.

JUDGE JONES:

Mr. O'Toole?

MR. O'TCOLE:

Yes, I do. And I was not presented with this witness list. I have been denied the opportunity to depose any such witnesses, therefore Met Ed may not call any witnesses and any potential are to be seated as spectators and be silent.

JUDGE JONES:

1                   Mr. Totino and Mr. Povilaitis, would you  
2 wish to respond to that request motion? I believe  
3 that's a motion, Mr. O'Toole?

4                   MR. O'TOOLE:

5                   That's right.

6                   ATTORNEY TOTINO:

7                   Your Honor, I don't believe we received  
8 any discovery requests asking for a list of our  
9 witnesses.

10                  JUDGE JONES:

11                  Mr. O'Toole, did you present a discovery  
12 request for ---?

13                  MR. O'TOOLE:

14                  I didn't present it formally, but I asked  
15 to know who was going to be here and then ---.

16                  JUDGE JONES:

17                  You did not present it formally?

18                  MR. O'TCOLE:

19                  Well, the last --- the last hearing was  
20 postponed ---

21                  JUDGE JONES:

22                  That's correct.

23                  MR. O'TCOLE:

24                  --- because they didn't have a witness  
25 and I asked them who these witnesses were. And that

1 was asked in writing to the Court.

2 JUDGE JONES:

3 Okay. I believe the correspondence that  
4 I received was that the company represented one key  
5 witness would not be able to attend for a vacation  
6 matter?

7 ATTORNEY TOTINO:

8 Yes, a pre-planned vacation, Your Honor.

9 JUDGE JONES:

10 And asked for a postponement to schedule.  
11 I do not have anything in my documentation that  
12 formally asked for a witness list. Should I have  
13 something?

14 MR. O'TOOLE:

15 It was requested over the phone when I  
16 called to verify.

17 JUDGE JONES:

18 Okay. Mr. O'Toole, then I have nothing.  
19 I think we need to proceed, allow the company to  
20 respond to your complaint knowing that you do have the  
21 burden of proof and the company may decide not to put  
22 any witnesses on based on your presentation of your  
23 complaint. Do you understand that, Mr. O'Toole?

24 MR. O'TOOLE:

25 Yes, I do.

1           JUDGE JONES:

2           Okay. I do have a preliminary matter.

3           MR. O'TOOLE:

4           I have one more.

5           JUDGE JONES:

6           Oh. Proceed.

7           MR. O'TOOLE:

8           As I had not received any data officially  
9 requested until midday Saturday, only that which I  
10 present may be presented. And as I have not had the  
11 opportunity to peruse any of this sent to me with any  
12 objectivity, the Met Ed cannot utilize such data  
13 unless I present it first.

14          JUDGE JONES:

15          Okay.

16          MR. O'TOOLE:

17          This is a tactic that is frequently been  
18 used by Met Ed to, in essence, stack the case against  
19 the consumer, both commonly so that the consumer does  
20 not have a proper petition or case to prepare.

21          JUDGE JONES:

22          Okay. And Mr. O'Toole, in trying to  
23 decipher what you are saying, you received a response  
24 to a data request on Saturday, midday Saturday from  
25 the company; is that correct?

1                   MR. O'TOOLE:

2                   This. And I can present this. It says,  
3 Saturday delivery, was received 3:15.

4                   JUDGE JONES:

5                   Okay. And you provided that data request  
6 to the company when?

7                   MR. O'TOOLE:

8                   Numerous times in writing, verbally on  
9 the phone and verbally to their attorneys.

10                  JUDGE JONES:

11                  Okay. And you are representing to the  
12 Commission that because you received your responses  
13 late ---?

14                  MR. O'TOOLE:

15                  Not only late, but too late for me to,  
16 even if I had an attorney, present them to the  
17 attorney until yesterday. And no attorney is going to  
18 work with something like this ---

19                  JUDGE JONES:

20                  Okay, sir.

21                  MR. O'TOOLE:

22                  --- which is nine millimeter --- seven  
23 millimeters thick of ten ---.

24                  JUDGE JONES:

25                  So are you representing that you are

1 hindered from presenting your case because ---?

2 MR. O'TOOLE:

3 I definitely am.

4 JUDGE JONES:

5 Mr. Totino, would you like to respond to  
6 that?

7 ATTORNEY TOTINO:

8 I would, Your Honor. We received the  
9 data request dated September 30th, 2004 sent via first  
10 class mail. Now, I believe under the Commission's  
11 regulations we would have 20 days plus, the mailbox  
12 rule. I believe correspondences were actually due  
13 yesterday, Monday, October 25th. However,  
14 correspondences were done on Friday, October 22nd, and  
15 actually out of fairness I thought I would give Mr.  
16 O'Toole the opportunity to look over the materials  
17 over the weekend. So as a result I sent it overnight  
18 Friday for his receipt on Saturday.

19 JUDGE JONES:

20 Mr. O'Toole, do you understand Mr.  
21 Totino's response?

22 MR. O'TOOLE:

23 I understand, but I also gave written  
24 notice months ago several times and it has been  
25 ignored.

1                   JUDGE JONES:

2                   Mr. Totino, do you have any other data  
3 requests besides that that you received September  
4 30th?

5                   ATTORNEY TOTINO:

6                   No. This is the only one that I've  
7 received, Your Honor.

8                   MR. O'TCOLE:

9                   It was sent to Met Ed.

10                  JUDGE JONES:

11                  It was sent to Met Ed as opposed to the  
12 parties representing Met Ed?

13                  MR. O'TCOLE:

14                  Because I had no idea at the time when I  
15 sent that who the parties were.

16                  JUDGE JONES:

17                  Okay. Mr. O'Toole, I believe Mr. Totino  
18 is correct. The company does have 20 days to respond  
19 to a data request. The data request, as you sent to  
20 Mr. Totino representing that, Ed, in this case was  
21 sent September 30th or did you receive it September  
22 30th?

23                  ATTORNEY TOTINO:

24                  It was sent --- it's dated September 30th  
25 and we have indicated that we received it on October

1 4th.

2 JUDGE JONES:

3 Okay. In either case, I believe Counsel  
4 for the company did act within the rules of this  
5 Commission. They did actually give you an extra 24  
6 hours to be able to look at the responses that they  
7 provided. And I am denying your motions.

8 MR. O'TOOLE:

9 Even though it was sent to Met Ed?

10 JUDGE JONES:

11 I'm denying your motions. My preliminary  
12 matter, I believe the company filed an Answer and new  
13 matter way back in October 27th, 2003, and Mr. O'Toole  
14 did respond on November 12th, 2003 and it was a timely  
15 response. And looking at my file there was no ruling  
16 on the company's new matter. The new matter, in  
17 essence, requests dismissal of the complaint with  
18 prejudice. I have read both the new matter as well as  
19 the Answer of Mr. O'Toole and that request is denied.

20 Okay. Mr. O'Toole, I'm sorry, sir, do  
21 you have any other preliminary matters?

22 MR. O'TOOLE:

23 No. No, Your Honor.

24 JUDGE JONES:

25 Okay. All right then. We are ready to

1 proceed. Mr. O'Toole, you are the Complainant. You  
2 have the burden of proof. I'm ready to hear your  
3 case.

4 MR. O'TOOLE:

5 Okay.

6 JUDGE JONES:

7 Mr. O'Toole, are you going to testify for  
8 yourself?

9 MR. O'TOOLE:

10 I'm going to be testifying for myself and  
11 I have ---.

12 JUDGE JONES:

13 Okay. I need to swear you in.

14 MR. O'TOOLE:

15 I'm sorry?

16 JUDGE JONES:

17 I need to swear you in.

18 MR. O'TOOLE:

19 Oh, okay.

20 JUDGE JONES:

21 Would you come up so I can hear you  
22 better. Does that hinder you, sir, in presenting your  
23 case? Or do you need to sit there with your  
24 briefcase?

25 MR. O'TOOLE:

1 Okay.

2 JUDGE JONES:

3 Is it more comfortable for you to sit  
4 there in order to present your case?

5 MR. O'TOOLE:

6 It's as comfortable as it's going to get.

7 JUDGE JONES:

8 Okay.

9 MR. O'TOOLE:

10 I have a disability, which ---

11 JUDGE JONES:

12 Okay.

13 MR. O'TOOLE:

14 --- it doesn't matter where I am or what  
15 I'm doing, it's there.

16 JUDGE JONES:

17 Okay. I'll allow you to sit there, so  
18 you do not have to come up here.

19 MR. O'TOOLE:

20 Okay.

21 JUDGE JONES:

22 Will you raise your right hand, sir?

23 -----

24 EDWARD O'TOOLE, HAVING FIRST BEEN DULY SWORN,  
25 TESTIFIED AS FOLLOWS:

1

2

JUDGE JONES:

3

4

5

6

Okay. Mr. O'Toole, you may proceed. We have the spelling of your name for the record, so we will not go through that. We're ready to hear your case.

7

A. What do you mean you have the spelling of my name?

8

JUDGE JONES:

9

We have the spelling of your name because your name appears in the caption of the case.

11

A. I hope it has the apostrophe in it.

12

JUDGE JONES:

13

It does.

14

A. Because that has presented numerous problems for me.

16

JUDGE JONES:

17

Okay.

18

A. Including those with IRS, which you don't want to have. I have here the --- what I have and what I'm going to present is in writing. I have here a copy for you if you want it of exactly what I'm going to be saying.

23

JUDGE JONES:

24

Okay. Are you saying that you have written out your testimony ---

25

1 A. Yes.

2 JUDGE JONES:

3 --- and you have a copy to present  
4 to ---?

5 A. So that you'll have exactly what I'm going to be  
6 presenting.

7 JUDGE JONES:

8 Do you have more than one copy, sir?

9 A. I have -- yes, I do, but this is ---.

10 JUDGE JONES:

11 Why don't ---?

12 A. This is my own. It's going to be my oral  
13 testimony.

14 JUDGE JONES:

15 Right.

16 A. This is for your use to follow if you wish.

17 JUDGE JONES:

18 Okay.

19 A. But it is my oral testimony that I will be  
20 presenting.

21 JUDGE JONES:

22 Why don't you provide a copy of that to  
23 the court reporter for ease of reporting?

24 A. Okay. And also a copy --- I also have here a copy  
25 of the --- what was sent to me by them for the Court.

1                   JUDGE JONES:

2                   Okay. Why don't you provide a copy of  
3 the testimony and if we need to reference what was  
4 sent to ---.

5 A. I have not had a chance to look at it.

6                   JUDGE JONES:

7                   If we need to reference that we will then  
8 mark that as an exhibit and allow the company to look  
9 at that and make sure that it's true.

10 A. Okay.

11                   JUDGE JONES:

12                   Mr. O'Toole, the company would like a  
13 chance to see what it is that you're reading from.

14                   ATTORNEY TOTINO:

15                   Do you have an extra copy?

16                   JUDGE JONES:

17                   Do you have an extra copy?

18 A. No, I don't. This is --- this is what I'm going  
19 to be presenting, therefore it's oral.

20                   JUDGE JONES:

21                   That's going to be your oral testimony?

22 A. It's my oral testimony, so ---.

23                   JUDGE JONES:

24                   Okay. I'm sorry, John. You will have to  
25 go by what he says as I.

1                   ATTORNEY TOTINO:

2                   Okay.

3                   JUDGE JONES:

4                   You may proceed, Mr. O'Toole.

5 A.    Okay.   First of all, I have not had the  
6 opportunity to read this as I had other things that  
7 had to be done over the weekend.

8                   JUDGE JONES:

9                   By this what are you saying?

10 A.   The --- what was sent to me late Saturday.

11                   JUDGE JONES:

12                   Okay.   So the data responses from the  
13 company.

14 A.   And regardless of the fact that it was stated it  
15 was timely, it definitely wasn't, because I have been  
16 requesting this for over a year.

17                   JUDGE JONES:

18                   Okay.   Mr. O'Toole, I've ruled on that.

19 A.   I know.

20                   JUDGE JONES:

21                   So I think you need to move on.

22 A.   Okay.   To take care of the unsolicited and  
23 undesired Met Ed's inclusion of my billing, I do not  
24 want and did not request and have no desire to ever  
25 solicit any sort of payment plan.   My bill claims that

1 I had solicited a payment plan and they have granted  
2 it. I have not.

3 As I have and have had a dispute registered for a  
4 very long time I have had --- excuse me. As I have  
5 and have had a dispute registered for a very long time  
6 and have made every effort I could to resolve and have  
7 met with nothing but dictatorial postulates and verbal  
8 abuse as this --- and all added charges and fees are  
9 to be removed as this could have been settled long  
10 ago, except for Met Ed's PUC permitted domination and  
11 malicious conduct.

12 Yes, I am very angry with also the PUC, because  
13 every time I have requested anything from them I have  
14 not received a proper, in my estimation, response.  
15 Instead Met Ed and/or whatever name this group calls  
16 itself, because in material that has been sent to me  
17 it has registered at least or named at least three  
18 different companies as being the dominate company. It  
19 has chosen to treat me as if I am illiterate or am not  
20 capable of thinking for myself, bringing non-  
21 electrically literate groups to my home using the  
22 theory of power in numbers makes Met Ed correct and  
23 omnipotent. I am not totally ignorant when it comes  
24 to electricity and how it moils.

25 I paid bills, all bills that I owe, only those I

1 owe, not those fabricated. Met Ed has agreed that the  
2 bills have more than doubled, yet I have not changed  
3 one iota of my methods of living in that home. I have  
4 been attempting to ascertain the exact amount minus  
5 the additional but have received instead rhetorically  
6 dictorials, look at your bill. That's the only  
7 response I get. Because of this Met Ed's attitude and  
8 damage to my household appliances and equipment and  
9 costs to me, the least I deserve is to abate all of  
10 that past owed. I'll get to it later what has been  
11 damaged.

12 I have semi-recorded power irregularities for  
13 years, but herein will relate those later that those  
14 most recent or are just those that are most recent  
15 because otherwise we'll be here all day. Also, as  
16 this is a forum for the public, I have the right and  
17 you have the obligation to hear me out, especially as  
18 it is a fact. Electricity is intangible and, in fact,  
19 tariffs are not law, but biasly written then  
20 unfortunately PUC rubber stamped frequently, at least  
21 that's my feeling. Therefore much of my case is  
22 dependant upon common sense and subliminal proof.

23 I still have not received the explication of the  
24 charges within my billing, especially those of  
25 duplicated verbiage in and on the bills. My payments

1 for all billings have always been timely and in toto,  
2 if I owe them, even those for electricity until my  
3 requests for clarification were ignored. The only  
4 reason any would be paid tardy is if no bill was  
5 received and Met Ed has done so. On several occasions  
6 even admitted that the bill had not gone out timely or  
7 the bill is not timely received to wit Met Ed are  
8 quick to state usually, check your post office, they  
9 are holding your bills. How come they're only holding  
10 my bills?

11 Certain companies deliberately engender tardy  
12 billing. And this I have proven elsewhere, so as to  
13 elicit additional funds for the vender. If you wish I  
14 can name some of these companies.

15 In the attempt to allow peak business to gain  
16 funds using my funds is an attempt to make me pay  
17 bills and then for them to subsequently evaluate  
18 whether it's owed. Primarily utilities regulations  
19 have clearly stated bills in question are deferred.  
20 My question --- deferred during dispute. My question,  
21 I thought I am the public, not the utility being the  
22 public. As ignored individuals has no other attention  
23 option but to withhold payment. No one should be  
24 required to pay fabricated by big business charges  
25 simply because big business can fabricate and get away

1 with it. Bills are to be written such that all the  
2 public can understand. By law the public is entitled  
3 to a logical and simplified every day language that as  
4 the known average of the reading level of American  
5 population is fifth grade, a fifth grader can grasp.  
6 This Commission is mandated to uphold this legal  
7 provision. And if you read the tariffs, it is  
8 miserable with verbiage that is frequently  
9 contradictions to itself.

10 The public is also entitled to protection from  
11 those who endeavor through use of language to defraud  
12 and extort. The PA Commissions have permitted  
13 conflict of interest by certain attorneys. In  
14 deference I have been told in Court by all parties,  
15 you're from Maryland, go home to Maryland. Water runs  
16 downhill, to explain the part of the law and please  
17 explain the part, only the part of the law that  
18 pleases them.

19 I've had four complaints in six years and that is,  
20 according to Court, excessive. I've had three  
21 insurance claims due to theft and nature ---

22 JUDGE JONES:

23 Wait a minute, Mr. O'Toole.

24 A. --- that according to Court that is excessive.

25 JUDGE JONES:

1                   Okay. I'll wait until you're finished.

2 A. This is going toward the fact that yes, I am  
3 bitter and yes, I do have a --- I guess you might even  
4 call it contention for the Pennsylvania Courts because  
5 of this. Your own Pennsylvania Insurance Commission  
6 has stated that three insurance claims are excessive.  
7 Three insurance claims in four years are excessive.

8                   JUDGE JONES:

9                   Yes, Mr. Totino.

10                  ATTORNEY TOTINO:

11                  Your Honor, I'd like to object. I don't  
12 see the relevance in talking about Pennsylvania Courts  
13 or insurance.

14 A. Well, this is why I will be somewhat, in essence,  
15 hostile, because this is what I have experienced.

16                  JUDGE JONES:

17                  Okay. And Mr. O'Toole, I will allow your  
18 experience with utility matters, but I will not allow  
19 your experience outside of utility matters. So ---  
20 and I think that's very broad. You're referencing  
21 Insurance Commission. We have no control over the  
22 Insurance Commission here. So Mr. Totino is correct  
23 as far as that's not being relevant. I recognize that  
24 you may be hostile based on your experience thus far.  
25 However, I am here to hear your case in this matter.

1 I do note that you have had some dissatisfaction.

2 A. I like the word.

3 JUDGE JONES:

4 Okay. But I cannot --- I cannot hear  
5 matters outside of utilities. And I would say  
6 specifically electricity, because that's what we're  
7 here for.

8 A. And I stated this so that if I come across as  
9 hostile, this would be the reason, the rationale for  
10 it. It isn't against this particular hearing.

11 JUDGE JONES:

12 Duly noted. Duly noted, Mr. O'Toole.  
13 You may proceed.

14 A. Because I've had innumerable contacts where it had  
15 been basically, you're from Maryland, go home to  
16 Maryland. And I don't think that's right.

17 If I have such problem --- you have been so told  
18 by others. One of the worst examples of language  
19 misused is the blather in the tariffs and this is not  
20 just in Pennsylvania, so ---.

21 JUDGE JONES:

22 I don't have any control outside of  
23 Pennsylvania, Mr. O'Toole.

24 ATTORNEY TOTINO:

25 If he could limit it to the Pennsylvania

1 tariff, in particular Met Ed's tariff.

2 JUDGE JONES:

3 Thank you, Mr. Totino.

4 A. Well, this was in way of explaining that I am not  
5 just picking on Pennsylvania here. It's the tariffs,  
6 the way tariffs are written in general and they all  
7 seem to follow the same pattern. A certain preamble  
8 does not read, we, big business rule. If my memory  
9 ---.

10 JUDGE JONES:

11 Mr. O'Toole, let me caution you again,  
12 sir. This Commission only controls matters in  
13 Pennsylvania, not outside of Pennsylvania. We can  
14 only control matters for Pennsylvania utilities,  
15 nothing but utilities. I understand that you are a  
16 well-read Complainant, that you have looked at tariffs  
17 outside of Pennsylvania. I understand that. I can't  
18 control what other states do, nor can the Commission.  
19 So, we need to make sure in properly addressing your  
20 complaint that we narrow the focus to Pennsylvania  
21 tariffs, specifically Met Ed's tariffs. Do you  
22 understand that?

23 A. Yes, I do. However, what I was asserting to here  
24 was something that rules this Commission, a certain  
25 preamble which begins, we, the people, not we, big

1 business.

2 JUDGE JONES:

3 Okay.

4 A. And therefore, I believe that as the people I have  
5 the right to request that big business not rule. And  
6 unfortunately, from what I have found, Met Ed, a big  
7 business, has been ruling, at least the way they've  
8 treated me. I'll be presenting an opening statement,  
9 which will hopefully explain why.

10 As you are very aware, electricity is a non-  
11 tangible entity and Met Ed is dependant and depending  
12 upon this fact along with the non-compliance of my  
13 requests for certain tangible records. Therefore, any  
14 proof positive depends upon intellectually based  
15 knowledge formed common sense via knowledgeable  
16 competent human beings, especially as the electric  
17 company knowing the intangibility has refused me what  
18 will tangibly scribed evidence within their realm.  
19 This must be construed as maliciously withholding  
20 pertinent and deleterious evidence, which demands  
21 judicial note with sanctions.

22 JUDGE JONES:

23 Mr. O'Toole, did Met Ed provide responses  
24 to your data requests?

25 A. They have not responded with the ---.

1                   JUDGE JONES:

2                   Didn't you just show me a packet that was  
3 delivered on Saturday from Met Ed?

4 A.   I'm talking about through this --- through the  
5 years where I have asked them to respond to the bill  
6 and explain the bills and all they tell me is, well,  
7 it's there, read it.

8                   Now, when it says tax and they give a figure and  
9 then a little later they say tax and it gives the same  
10 figure and a little later a third figure, it says tax  
11 and it gives the same figure. And I asked them to  
12 define what the tax is. I've been met with what, and  
13 hang up on me.

14                   JUDGE JONES:

15                   Okay. You may proceed, Mr. O'Toole.

16 A.   I make the motion to find in my favor and award  
17 that solicited because of the attitude and the  
18 responses given to me over the years by Met Ed. And  
19 what I have asked for I don't think is out of the  
20 realm of what the tariffs should say if they don't,  
21 because I have asked for copies of the tariffs and  
22 never received them.

23                   JUDGE JONES:

24                   Okay. Mr. O'Toole, you're stating that  
25 in your interaction with Met Ed as a general --- a

1 member of the general public and a ratepayer that you  
2 find their customer servicing inadequate?

3 A. Definitely.

4 JUDGE JONES:

5 Okay.

6 A. And even to the fact that when I have asked for  
7 copies of the tariff I have yet to receive them.

8 JUDGE JONES:

9 Okay.

10 A. And that has been for six or eight years.

11 JUDGE JONES:

12 All right. I understand.

13 A. Okay. What I have asked for from Met Ed is to run  
14 a buried power supply cable to support a minimum of  
15 1500 ampere, prefer 2000 ampere service transformer  
16 looking ---.

17 JUDGE JONES:

18 Mr. O'Toole, I'm sorry. In looking at  
19 correspondence that you have provided in answer to Met  
20 Ed, I believe it was in their request for  
21 postponement, I found that you were asking for  
22 amperage of no less than 800 . Now you're saying  
23 1500?

24 A. I told them 800 in the beginning. Recently it has  
25 been 1500 and actually 2000. And when they said,

1 you've got to be kidding, I said, well, a minimum of  
2 1500, because looking to the future that is what it  
3 should be and that --- the reason, the rationale for  
4 this is that this particular farm property has  
5 additional building sites, which would be serviced by  
6 that transformer. I've asked for 800 to my particular  
7 building, my particular home, but for the transformer  
8 to be of higher amperage because two other homesteads  
9 can be built and 800 would definitely not service  
10 them. As a matter of fact, 800 is probably minimal  
11 for my own home, not even counting the buildings, and  
12 I have several buildings.

13 JUDGE JONES:

14 Okay. I just wanted to make sure I  
15 didn't misunderstand. You're saying you have  
16 requested 800 specifically for your ---

17 A. My home.

18 JUDGE JONES:

19 --- home. However, for the entire ---

20 A. For the transformer ---.

21 JUDGE JONES:

22 --- farmstead ---

23 A. For the transformer ---.

24 JUDGE JONES:

25 --- because you need --- you are

1 envisioning other properties on that land to go to the  
2 transformer. You want a minimum of 1500 amps?

3 A. I feel that that would be the minimum.

4 JUDGE JONES:

5 In your opinion that would be the minimum  
6 adequate service to that area?

7 A. In today's electrical marketplace.

8 JUDGE JONES:

9 Okay.

10 A. Because most --- almost everything today is  
11 electrical.

12 JUDGE JONES:

13 Okay.

14 A. The present cable has been in service for over  
15 half a century. A buried cable is now the federal  
16 recommendation, so as not to be vulnerable and it  
17 should be buried because so as not to be vulnerable to  
18 the elements or hazardous radiation to the public. It  
19 has been demonstrated that overhead power lines do  
20 give radiation. That's why it is now recommended for  
21 burial.

22 Replacing the existing ancient half century  
23 transformer with an up-to-date transformer and remove  
24 the existing poles and their support wires. Inform  
25 the owner --- and this is something else that is very

1 pertinent to Met Ed. Inform the owner of the easement  
2 property to re-allocate the illegally sold entry  
3 easement leading to a landlocked property, my  
4 property, because as two independent individuals  
5 cannot be sold legally in the same area, easement or  
6 otherwise. Establish a landlocked property ingress  
7 and egress rights adjacent to the first awarded  
8 easement, as utilities was the first purchase  
9 easement. The existing easement is legally the  
10 property of the utilities. And an easement was  
11 legally sold through illegally --- no, illegally  
12 located --- the landlocked property is legally  
13 entitled to ownership of an easement that is not  
14 shared since, as I stated, it is illegal to sell the  
15 same property to two separate individuals. And at  
16 this point I had been sold, not me but the property  
17 has been sold, an easement which overlays a portion of  
18 the easement which was earlier, in 1947, sold to Met  
19 Ed's predecessors.

20 And the reason I ask for this to be sold as a ---  
21 sold to me as a piece of property rather than an  
22 easement is because of the problems that I've have  
23 witnessed and have been exposed to as being ownership  
24 of an easement rather than ownership of a property.

25 ATTORNEY TOTINO:

1           Your Honor, if I may. Mr. O'Toole ---  
2 well, I'd like to object. I don't understand the  
3 exact easement to which he's referring.

4 A. In essence I am in violation of the law. I have a  
5 land lock and I am violating the use of an easement  
6 sold to someone else, yet it was sold to me. And it  
7 is --- it behooves this Court when it's legally  
8 notified of such to notify the proper authorities to  
9 have this rectified, corrected.

10           ATTORNEY TOTINO:

11           Again, I don't understand that there's no  
12 foundation for any easement. I don't understand what  
13 easement he's discussing.

14 A. I am using your easement, because it was sold to  
15 me.

16           ATTORNEY TOTINO:

17           Met Ed's easement.

18 A. The Met Ed easement because it was sold to me.  
19 And they did not have the right to sell to me, and I'm  
20 using me as the owner of the property, a portion of an  
21 easement that had already been sold to someone else.

22           ATTORNEY TOTINO:

23           Okay. I'd like to continue my objection,  
24 I still don't see any foundation for this.

25           JUDGE JONES:

1                   Mr. O'Toole, you're alleging that you  
2 have an illegal easement because the easement was sold  
3 to you by Met Ed?

4 A.    No.

5                   JUDGE JONES:

6                   What are you alleging?

7 A.    That the easement was sold to me by the same owner  
8 of the easement that sold the other --- the previous  
9 easement to Met Ed. In other words, this particular  
10 owner sold a 20-foot wide easement to Met Ed, it's  
11 predecessor.

12                  JUDGE JONES:

13                  Okay. Let's do this.

14 A.    Within this easement ---.

15                  JUDGE JONES:

16                  Mr. O'Toole, we're talking about an  
17 easement which talks about property; correct?

18 A.    Yes.

19                  JUDGE JONES:

20                  Do you have the document with you?

21 A.    No, but I can provide it and without any problem.

22                  JUDGE JONES:

23                  And this has relevance to your complaint  
24 how?

25 A.    Yes, it does.

1                   JUDGE JONES:

2                   How?

3       A.     Because Met Ed --- my easement is being partially  
4 blocked by the poles of Met Ed.

5                   ATTORNEY TOTINO:

6                   Your Honor, if I may, I would like to  
7 object.   If I read his complaint, I don't remember  
8 seeing anything in his complaint or his amended  
9 complaint that would relate to a complaint of this  
10 nature about an easement.

11                   JUDGE JONES:

12                   Mr. Totino, I do recall and I know it was  
13 very difficult to read, but I do recall Mr. O'Toole  
14 alleging that he wanted buried cable to the premises  
15 and that he did not want poles as an ingress or an  
16 egress on his property. I do recall that in his  
17 complaint. I do sympathize with you that it is  
18 difficult to find what it is that's pertinent to  
19 utility service that he is complaining about.

20                   It is somewhat a surprise to me, Mr.  
21 O'Toole, that you are now alleging that there is a  
22 violation to your easement. I am not sure that we are  
23 the proper place even to address that.

24                   However, so that the record will be clear  
25 I will hold your objection in abeyance, Mr. Totino.

1 Mr. O'Toole, I recognize that you are alleging  
2 something. Even if I ascertain that what you are  
3 alleging has credence, I am not sure if this is the  
4 proper forum to grant anything that you would want  
5 from that allegation.

6 A. Well, I understand that. But what I stated was  
7 that when this situation becomes known to any Court,  
8 it behooves that Court to so notify the proper  
9 authorities. That such does exist and then have them  
10 to look into it and rectify it.

11 JUDGE JONES:

12 Mr. O'Toole, I will note your suggestion  
13 to this forum and take that under advisement, just as  
14 I am leaving open your objection, Mr. Totino, but I  
15 would urge you, Mr. O'Toole, to move on.

16 A. Okay. I have in here about not receiving anything  
17 and I'd have to find where it was ---.

18 JUDGE JONES:

19 We've talked about that before.

20 A. I know. I have to --- I prepared this ---

21 JUDGE JONES:

22 I understand.

23 A. --- prior to ---

24 JUDGE JONES:

25 I understand.

1 A. --- this attempt to ---.

2 JUDGE JONES:

3 I understand.

4 A. And the way I feel, this attempt to alter my  
5 testimony. One other thing with Met Ed is that when a  
6 customer calls, the first thing that they hear is very  
7 rapidly the name of the person that called --- that  
8 they're talking to on the phone and then immediately  
9 asking a question so that they have no opportunity  
10 whatsoever to write the name down. And as soon as  
11 they say, and who are you, they repeat what the  
12 question was that they asked you. And if you say, I  
13 want your name they disconnect, just that fast.

14 JUDGE JONES:

15 Okay.

16 A. So you do not have the opportunity to know who it  
17 is you're talking to. This is one of the reasons why  
18 I do not have any names.

19 JUDGE JONES:

20 Okay. And again, you're alleging  
21 inadequate service as far as customer relations?

22 A. Relations, yes.

23 JUDGE JONES:

24 Okay.

25 ATTORNEY TOTINO:

1           Your Honor, I would like to object to  
2 that as well. I don't remember specific allegations  
3 in the complaint there specifically relating to the  
4 CSR or the customer service aspect. I do grant you  
5 that there are allegations about certain contacts with  
6 the company, but I don't remember anything specific  
7 that go directly to this relationship to the customer  
8 service representatives and their calls.

9 A. That's part of Met Ed.

10                   JUDGE JONES:

11           Mr. Totino --- let me address Mr. Totino,  
12 Mr. O'Toole. I do recall in the complaint there were  
13 some allegations about billing, understanding the  
14 billing, the competency of the employees from Met Ed  
15 as well as communication from Met Ed. Now,  
16 communication from Met Ed is a very general term. I  
17 will grant you that. It's not as narrow as customer  
18 service relations, but customer service relations is  
19 communication from Met Ed. So that Mr. O'Toole will  
20 not be prejudiced by a ruling by Your Honor. I will  
21 allow that to be considered, but I will also grant the  
22 necessary weight.

23                   ATTORNEY TOTINO:

24           Yes, Your Honor. Thank you.

25 A. And to continue, if after that you asked for a

1 supervisor you are told by Met Ed's representatives on  
2 the phone, supervisors are not available right now.  
3 If you insist you're told, I will not pass you to a  
4 supervisor. And if you strongly insist, I don't have  
5 to take this and they hang up on you. Now, this is  
6 Met Ed and this is related to my bill, because when  
7 they hang up I am refused the opportunity to find and  
8 gain information on my bill or to gain information on  
9 the service.

10 Met Ed denies their employees do the above,  
11 however, they do. That is possibly the lack of  
12 supervision on the floor, since they say they are not  
13 available right now. It is possibly why such  
14 insolence occurs. It refuses to respond positively to  
15 the requests of the consumer. It's also Met Ed and  
16 it's done by all of their representatives so that I  
17 have been denied the opportunity to gain information  
18 to prepare this.

19 Another insulting and demeaning practice is  
20 referencing the customer by their first name. This is  
21 a psychological comport taught in Psychology 101 in  
22 college. One refers to their children, close friends  
23 or inferiors using a first name. This is such ---  
24 this is done to have the customer --- consumer feel  
25 inferior.

1 Now, I will --- I digress a moment in that when I  
2 was young, if I used the first name of anyone my  
3 father had a very large hand. And even if that person  
4 told me I could call them by their first name, if I  
5 didn't add Mr. or Mrs. that hand found me. The next  
6 time I touched the floor was half a room away. Also  
7 with waiters. Just recently they have come to do the  
8 same conclusion, that psychology. And this is based  
9 on what Met Ed has been doing to the public  
10 psychologically in that waiters now in the better  
11 restaurants ---.

12 JUDGE JONES:

13 Mr. O'Toole, ---

14 A. This will be very brief.

15 JUDGE JONES:

16 --- no, no, no. No. I cannot allow  
17 testimony on what the practices in waiters or \_\_\_\_\_.

18 A. No. This is a practice in applied psychology  
19 with ---.

20 JUDGE JONES:

21 No. Mr. O'Toole ---.

22 A. All right.

23 JUDGE JONES:

24 --- no.

25 A. Okay. For months, even years, I have been

1 requesting of Met Ed and their predecessors orally by  
2 telephone as well as written for a tabular breakdown  
3 with a full and complete explanation, glossary if you  
4 will, of each item enunciated within the bill. This  
5 has been denied me. In this, which was just given to  
6 me, finally was a tabular, but it was not the tabular  
7 that I had requested.

8 By non-compliance this violates the tenants of  
9 discovery, thus ---.

10 ATTORNEY TOTINO:

11 Your Honor, objection. We've been  
12 through this.

13 JUDGE JONES:

14 Mr. O'Toole, unfortunately Mr. Totino is  
15 correct. I did rule on the use of the data request as  
16 well as whether it was following the Commission's  
17 proper procedures for you to receive it timely. As  
18 far as your characterization of the data request, that  
19 is not allowed, sir.

20 A. Well, it's not what I requested.

21 JUDGE JONES:

22 Mr. O'Toole, you have said that you did  
23 not receive the information timely, so that you did  
24 not get a chance to adequately look at the data  
25 request; correct?

1 A. The key word is adequate.

2 JUDGE JONES:

3 Okay. So you're saying your peruse of  
4 what you saw did not respond to what you requested?

5 A. That is --- that in the tabular form.

6 JUDGE JONES:

7 Okay. Mr. O'Toole, we're talking in  
8 generality. If you're planning to actually use a data  
9 request then I suggest you pull it out, you have it  
10 marked and identified and we talk specifically to that  
11 data request.

12 A. That will be later.

13 JUDGE JONES:

14 Okay. I cannot wait. I'm looking  
15 forward to it, Mr. O'Toole.

16 A. May I ask for a continuance until I can actually  
17 go through and adequately peruse and adequately digest  
18 what was sent to me late?

19 JUDGE JONES:

20 Mr. O'Toole, I'm sorry, sir. I have to  
21 deny that motion, simply because we've already  
22 established the company did respond timely to your  
23 data request. It didn't --- because you provided the  
24 data request at the time you did that you received it  
25 in not a sufficient time for you to prepare. If you

1 had provided the data request early in September you  
2 would have received it timely to prepare.

3 A. I did respond then and I did respond prior to that  
4 and I have been attempting to obtain this information  
5 from Met Ed for years and have been, in essence, hung  
6 up on or ignored.

7 JUDGE JONES:

8 Mr. O'Toole, I believe I have adequately  
9 tried to convey to you that the company followed the  
10 proper procedures in responding to your written data  
11 request. These representatives of the company that  
12 are now before me did adequately, properly respond to  
13 your data request of September 30. It is because you  
14 provided the data to them September the 30th and not  
15 prior to that that they did not get it to you before  
16 two or three days before the hearing.

17 A. I believe ---.

18 JUDGE JONES:

19 Now, I cannot address the data request  
20 that you had of the company that were not adequately  
21 addressed to Mr. Totino as the representative of the  
22 company before me. The only data request that I know  
23 of, the only data request that you have provided this  
24 Court awareness of that was written was that dated  
25 September 30th, 2004. I have ruled on the use of that

1 data. I will not allow you to further delay your day  
2 in court because you did not, in your opinion, timely  
3 get a response to that. In my view, if you had wanted  
4 a more timely response you should have sent the data  
5 earlier. Do you understand my ruling, Mr. O'Toole?

6 A. No, I do not. Because ---

7 JUDGE JONES:

8 What don't you understand?

9 A. --- in my request to them I specifically stated, I  
10 have previously requested --- previously requested of  
11 Met Ed prior to my knowledge that they were  
12 representing them.

13 JUDGE JONES:

14 Mr. O'Tcole ---.

15 A. Therefore, my request was prior to them and as  
16 soon as I found out exactly who was representing them  
17 I gave it to them.

18 JUDGE JONES:

19 Mr. O'Toole, that does not change my  
20 ruling.

21 A. The people lose again. I'm sorry. That's the way  
22 I feel. Another breach by Met Ed personnel, numerous  
23 of them have told me tax fees on the bills change  
24 monthly. This deliberate with malice misinformation,  
25 tax fees cannot change. They are set by law.

1       The only data --- or the proof I am told I must  
2 provide is the utility itself. If they can avoid  
3 supplying this data, which they have, they know the  
4 case is lost to me. Electricity is not a tangible  
5 entity. Conversation recording is illegal unless  
6 they're told, at which point they hang up. So I had  
7 no way of documenting since the electricity itself is  
8 not --- it is not tangible.

9       Another question, I have been told that I must pay  
10 for the power line running to my meter, yet I am only  
11 responsible from my meter into my house. And  
12 unfortunately, the PUC, the Public Utilities  
13 Commission has permitted to bill the public for what  
14 is rightfully their costs, not the public's. The  
15 public has a meter in, yet in the tariffs, from what  
16 I'm told, because I have not received it, I have to  
17 pay for them to run it from their term, wherever they  
18 chose to my home. This is not right, because this is  
19 not what I am paying for. I am paying for service  
20 from the meter in. I do not pay for what they are  
21 supposed to supply, which means the line to bring it  
22 to my meter.

23       I have in my home at present 200 amperes. That is  
24 not sufficient for any farm today. It is also easier  
25 to run buried cable than to run aerial cabling, yet

1 they have objected to burying the cable. Now ---.

2 JUDGE JONES:

3 Mr. O'Tcole, let me stop you here. I  
4 believe you're starting to get repetitive, sir. You  
5 did reference that there was a recommendation from the  
6 federal government for buried cable.

7 A. Yes.

8 JUDGE JONES:

9 And you did state that they had aerial  
10 cable?

11 A. Aerial.

12 JUDGE JONES:

13 Yes. I'm sorry. Did I not say that?

14 A. Yes.

15 JUDGE JONES:

16 As opposed to buried cable and you did  
17 want and request burying the cable. Are you providing  
18 anything additional in this statement, because I  
19 didn't hear that and I have that in my notes.

20 A. The fact that the telephone utility has ---.

21 JUDGE JONES:

22 This is electric, sir.

23 A. It's pertinent. The telephone utility has buried  
24 their cable recently and has asked Met Ed to join them  
25 and Met Ed refused. The cabling that is presently

1 coming to my house is over a half century old.

2 JUDGE JONES:

3 You did reference that as well, sir. I  
4 have that in my notes as well.

5 A. Did I reference the fact that it is sagging?

6 JUDGE JONES:

7 No, you did not say that.

8 A. That it is corroded? That it is giving off radial  
9 static electrical charges? That the wires have  
10 stretched such that when in the wind they come either  
11 too close proximity or actually touch, causing  
12 electrical charges into my home? The cabling is old.  
13 It is damaged. It is useless. It is causing a  
14 problem in my home. I attempted to take a picture of  
15 it to bring, but unfortunately the wire's not thick  
16 enough to be seen by the camera.

17 This wiring which is over half a century old  
18 needs to be replaced. And it comes to a transformer  
19 that is of the same age, and that needs to be  
20 replaced. That transformer, a little over a year ago,  
21 popped its circuit breaker, it's fuse. This is so old  
22 it doesn't even use a circuit breaker, it uses a fuse.  
23 When the repair men came out, he took one look and he  
24 took his bucket and he went up to look and took one  
25 look at it and said --- made an exclamation, came down

1 he says, good luck. I said, what do you mean? He  
2 said, this circuit breaker is so old I don't even have  
3 one on my truck. I don't know that they even have one  
4 back at the office and if they do, you're going to be  
5 very, very lucky, at which point he got in the truck  
6 and left.

7 ATTORNEY TOTINO:

8 Your Honor, I'd like to object to that  
9 last statement as hearsay.

10 A. This happened and it is the electrical.

11 JUDGE JONES:

12 You're absolutely correct, sir, that it  
13 is electrical. And you are also correct, sir, that  
14 the representative of the company that stated this as  
15 an employee and ---

16 A. As an employee.

17 JUDGE JONES:

18 --- was called out to service the line.

19 A. Yes, he was, late at night.

20 JUDGE JONES:

21 And was unable to service the line  
22 because he did not have adequate equipment; is that  
23 your testimony?

24 A. That is true.

25 JUDGE JONES:

1           Mr. Totino, I'm going to allow that into  
2 the record as it is an employee of the company. The  
3 company can provide whatever information it wants to  
4 provide to me about that, but I am going to allow it.

5           ATTORNEY TOTINO:

6           Yes, Your Honor. Understood.

7 A.   A little over an hour later he did return and he  
8 says, you're lucky. I found one in an old, unused  
9 truck. But as he put it in he said, but don't pop  
10 this one because if you do I have no way of finding  
11 another one. That was that visit.

12          I have since found out by observation and hearsay,  
13 I guess, from others, that the transformers have  
14 been --- of this age that have been replaced are moved  
15 to a new site and reinstalled.

16          JUDGE JONES:

17          Mr. O'Toole ---.

18 A.   Now, in addition to that ---.

19          JUDGE JONES:

20          Mr. O'Toole, you're stating you have  
21 heard from observation.

22 A.   Heard and observed.

23          JUDGE JONES:

24          Heard and observed. And when you did  
25 actually that's hearsay, so let's try and make sure

1 ---.

2 A. The hearing was hearsay. The observation is fact.

3 JUDGE JONES:

4 Okay. So it was some place where it was  
5 reinstalled that you saw the re-installment, sir?

6 A. I followed the truck. They took it down from one  
7 place and put a larger transformer in and reinstalled  
8 that one somewhere else.

9 JUDGE JONES:

10 Okay. I will come back to that. Go  
11 ahead, sir.

12 A. I have since been told by Met Ed that my  
13 transformer has been upgraded. I said, upgraded?  
14 It's the same transformer. But we have upgraded the  
15 fuse. Now, I don't know about anyone else, but in  
16 what I've learned about electricity upgrading a fuse  
17 does not upgrade the electric system.

18 Just recently I had a problem with the meter. I  
19 complained to the company regularly for almost a year  
20 that there was something wrong with the meter. And I  
21 was told in no uncertain terms I didn't know what I  
22 was talking about. Finally they sent someone out to  
23 look at the meter. After finding that the meter  
24 reader comes out every month and observes the meter,  
25 goes right up to the meter and reads it. I'm home

1 frequently when that meter reader comes there, so this  
2 is not hearsay. They either don't get out of the  
3 truck and use their eyesight to read a meter that is  
4 about 40 feet away or they use binoculars from the  
5 truck to read that meter or this past time at  
6 11:00 --- a little after eleven o'clock on --- I don't  
7 have that in here yet, but I will come to it later and  
8 give you an exact time and such, that this person came  
9 up, walked about halfway between the truck and the  
10 meter, read the meter and got back in the truck and  
11 drove away.

12 I have been told, well, one of the problems that  
13 they have with reading your meter is you have bushes  
14 in front of them. I said, yes, but there's also a two  
15 foot path behind the bushes that they can get to the  
16 meter. Instead, Met Ed illegally cut my bush so that  
17 they could read it from the truck.

18 And getting back to the fact that I was telling  
19 them the meter was broken, and those were the words I  
20 used, the meter's broken, and they kept telling me it  
21 wasn't. Finally they sent someone out to do something  
22 with the meter, a repairman, who says, it is broken,  
23 that the globe is missing. It had been all winter,  
24 yet I was told there wasn't anything wrong with it  
25 because every month the meter reader looked at it. He

1 replaced the meter and he took readings. And I'll get  
2 to those readings a little later, but they are not  
3 within limits. My current coming in is above that  
4 described, which is supposed to be 120 volt --- 240  
5 actually, but 120 on each leg of a positive/negative  
6 with a neutral in-between. I am not ignorant in  
7 electric.

8 JUDGE JONES:

9 Mr. O'Toole, let me stop you here. How  
10 much more of your testimony do you have, sir?

11 A. I had 18 pages. I have no idea where I am on this  
12 now.

13 JUDGE JONES:

14 Okay. We have been at this for about an  
15 hour. I would like to take a ten-minute break. Mr.  
16 O'Toole, I will caution you again. I believe you are  
17 starting to get somewhat repetitive. I do not want to  
18 read that on the record. It makes the record very  
19 cumbersome. I do want to allow the company to  
20 respond. I also have questions for you. I do not  
21 want to be here excessively long. So I would ask you  
22 during the break if you could look at what you have  
23 written to see if you have covered it already. If you  
24 could look at what you have written to see if it was  
25 covered by my rulings already and to proceed

1 accordingly. Do you understand, Mr. O'Toole?

2 A. Yes. But giving examples of what has happened is  
3 not --- it has to be my case as electricity is  
4 intangible.

5 JUDGE JONES:

6 I understand that, Mr. O'Toole, and I'm  
7 not barring you from doing that. I'm asking you to  
8 look at what you have prepared to see if it is  
9 repetitive or if it is ground that you have already  
10 covered.

11 A. That's what I've been trying to do and the merits  
12 have not been repetitive.

13 JUDGE JONES:

14 Okay. We're in recess for ten minutes.

15 SHORT RECESS TAKEN

16 JUDGE JONES:

17 We are back on the record. Mr. O'Toole,  
18 I believe you were continuing to present your case.

19 A. Right. And as I had stated before, the date was  
20 October 12th at 9:11 was the latest meter reading  
21 where the person walked halfway to the meter, stopped,  
22 took a reading and walked back to the vehicle, backed  
23 into my upper driveway to do a --- at a 180 turn,  
24 three point turn and then drove on out.

25 I don't see exactly how she could have gotten a

1 proper reading from that distance, however I will give  
2 her the benefit of the doubt, because she was not  
3 wearing glasses, which means I would assure her  
4 eyesight was perfect. I'm wearing glasses and I know  
5 mine isn't, therefore I couldn't see it, but then I  
6 have been handicapped.

7 For the life of me I cannot understand why I am  
8 expected to understand fully Met Ed's language. I  
9 don't and never have expected others not of my  
10 profession to understand my terminologies, that's why  
11 I always explain it. That's why I still get called to  
12 talk to patients because many doctors can't talk to  
13 patients and have them understand, yet I'm expected to  
14 understand their language. Now, if you want ---.

15 ATTORNEY TOTINO:

16 Your Honor, I'm going to object. I  
17 believe he's already covered this, about the tariff  
18 language.

19 JUDGE JONES:

20 I do believe so, Mr. Totino.  
21 However, ---.

22 A. Well, there's only one more thing. If you want I  
23 can give you my lingo and I know you'll be snowballed,  
24 but I won't do that.

25 JUDGE JONES:

1 Thank you, Mr. O'Toole.

2 A. Okay. Met Ed uses nuclear material, therefore I  
3 have a question for the ones present here. What is  
4 the difference between gamma, solar --- gamma and  
5 solar radiation, and linear radiation?

6 ATTORNEY TOTINO:

7 I'm going to object to this, Your Honor.

8 A. Well, they're using it.

9 JUDGE JONES:

10 Mr. O'Toole ---.

11 A. I want to know what they're using, how it's being  
12 used.

13 JUDGE JONES:

14 Mr. O'Toole, this I am not sure you  
15 covered in your complaint. I do not recall  
16 anything ---.

17 A. I put it in there, have different types of  
18 electricity somewhere.

19 ATTORNEY TOTINO:

20 I don't remember any reference to nuclear  
21 materials.

22 A. I said different types of electricity, which  
23 that's what I want to know.

24 JUDGE JONES:

25 Okay. Let's do this. Mr. O'Toole, do

1 you have your complaint in front of you?

2 A. No, Your Honor. I'll eliminate that part of it.

3 JUDGE JONES:

4 Thank you, sir.

5 A. After the meter was replaced and current was  
6 evaluated, excessive voltage was observed by me with  
7 Met Ed repairman and different voltages were observed  
8 between the positive leg and the negative leg. And  
9 these voltages fluctuated. I observed a fluctuation  
10 of 128 to 134 volts on one leg and a rapid vision of  
11 142 volts on the other leg, which was very quickly  
12 covered by the repairman. I was told the increase is  
13 within limits, but I wasn't told what the limits were.  
14 How can I tell if it was? But this increase causes me  
15 house product problems, which Met Ed denies.

16 I can predict when major fluctuations occur.  
17 Usually the numerous frequency modulations variances  
18 occur in the early a.m., between 2:00 and 3:00 until  
19 about 5:00 a.m. Obvious reasons, people are asleep.  
20 And midday hours if it is very bright, because people  
21 won't notice the variance in the lights. And mildly  
22 between 9:00 and 11:00 p.m., which is to help  
23 appliances to burn down. Duration of such  
24 fluctuations in current range between 10 to 12  
25 minutes. Any longer than 12 minutes will burn out,

1 certainly the current at today's circuit boards.  
2 Prior to this they could do it a lot longer because  
3 the circuit boards were heavier material, but now 12  
4 minutes is about maximum. And later on I'll give you  
5 an example of them.

6 And Your Honor, if you are observant at your home  
7 you too can notice these changes in the fluctuations.  
8 And if you wish I can tell you later how.

9 JUDGE JONES:

10 No. I don't care. I don't care to know  
11 how, Mr. O'Toole.

12 A. Okay. I have taken voltage readings periodically  
13 within my home, recently as of October 1. I have not  
14 had a reading under 116 volts, which is supposed to be  
15 110. I have had readings as high as 132 and even 136  
16 volts twice, once at 7:57 a.m. and once at 9:01 a.m.  
17 readings of 138 volts. October 15th and 16th at 10:11  
18 a.m., 128 volts. As I said, 110 is the --- supposed  
19 to be the voltage.

20 I was continuing again for this hearing as of  
21 September 20th when my computer crashed and I lost  
22 what I had not yet saved. September 22nd, between  
23 9:45 and 9:50 p.m., as I was reading, not even  
24 touching my computer, the computer turned itself off.  
25 In the evening many times the TV turns itself off.

1       September 23, 10:20 plus, while reading the screen  
2 --- the computer screen, the screen began to jitter  
3 and then flipped. At 10:58 --- oh, it leveled out a  
4 little bit and then at 10:58 wrote the word the in the  
5 middle of a sentence and the computer screen flipped  
6 the third screen and then disappeared. Everything on  
7 the computer disappeared. Gone. I couldn't even  
8 recover it.

9       September 24th, I did not --- the 26th I didn't  
10 use the computer. September 27th, 9:40 something,  
11 while entering data computer began jittering. I  
12 stopped entering and several minutes later the  
13 jittering stopped, but the computer locked up. I  
14 couldn't continue. The keyboard was dead. The mouse  
15 moved, but the click didn't work.

16       September 29, a Wednesday, between 9:45 and 9:50,  
17 computer began a mild jittering. I saved several  
18 times. At 9:50 the computer, a few seconds afterwards  
19 saved and I was re-reading computer --- the computer  
20 screen and it went blank. I could not even reclaim  
21 what I had written. I turned off the computer, put it  
22 back on, but everything that I had entered that day  
23 was gone. Even that which I had saved, unable to  
24 recover any of the five hours work.

25       September 30th at 10:20, while I was reading the

1 computer dropped all data entered that day, eight  
2 hours work lost, even though I had saved it numerous  
3 times.

4 I did not work on the computer October 1st through  
5 the 5th. October 6th, a Wednesday, at 9:42 p.m. while  
6 entering having just saved and ready to enter more the  
7 fluorescent desk lamp stuttered, flickered and  
8 simultaneously the computer screen went to empty with  
9 an instantaneous desk lamp going out. I hadn't  
10 touched either of these as the computer had just come  
11 back from the saved action. Again, all seven hours of  
12 that day's entries unrecoverable, including that save.

13 October 7, I began at 9:00 p.m., computer had  
14 problems booting up. Tried booting four times,  
15 figured this is not good and I quit.

16 October 8th, about 10 o'clock, was out of town  
17 each day until 11:00 p.m. --- October 8th to the 10th.  
18 I'm sorry. I was out of town until at least 11:00  
19 p.m. October the 11th, in the p.m., 8:15, just first  
20 saved and then the screen went blank. Quit at 8:35.

21 ATTORNEY TOTINO:

22 Your Honor, I'd like to object. I think  
23 we're getting accumulative.

24 A. No, this is my --- this is the only tangible  
25 evidence I have.

1                   JUDGE JONES:

2                   Mr. O'Toole, you have given evidence  
3 chronologically from September 22nd through, I think  
4 we're now at October 11th on computer problems,  
5 fluctuations, lost data, desk lamp going out, computer  
6 not booting up. Do you have any other evidence as far  
7 as outside of those parameters that I have already  
8 cited?

9 A. Yes, to today --- to last evening.

10                   JUDGE JONES:

11                   Okay. These are additional instances,  
12 but are they similar computer problems?

13 A. Similar computer, similar light flickings, similar  
14 lights going on and off.

15                   JUDGE JONES:

16                   Okay.

17 A. In addition to that ---.

18                   JUDGE JONES:

19                   All right. Mr. Totino, in response to  
20 your objection I will note for the record that there  
21 are several computer problems that Mr. O'Toole has  
22 had. Mr. O'Toole, why don't you just give me  
23 additional dates that they occurred. If they have the  
24 same problems I don't need to know that. It's  
25 somewhat cumulative. All I need to know are the

1 actual dates.

2 A. It's pretty close to almost daily since then,  
3 because I've been trying to get ready for this.

4 JUDGE JONES:

5 Okay. Let me hear the dates.

6 A. And every time I've done it ---.

7 JUDGE JONES:

8 I have October 11th.

9 A. Okay. October 14th, October 15th. In there  
10 somewhere I had to take the computers to my computer  
11 man to have him take care of them because I could not  
12 boot them up. They wouldn't boot up. I have two  
13 computers, one is used for reading from and one I use  
14 for working with. I had to take them in. He told me  
15 that these have been hit numerous times by electrical  
16 surges.

17 JUDGE JONES:

18 Mr. O'Toole, do you have an affidavit  
19 from your technician?

20 A. Only the bill, several hundred dollars.

21 JUDGE JONES:

22 So then this is hearsay. You are not  
23 calling him as a witness?

24 A. On the bill it states basically, correct  
25 electrical disturbances --- affected electrical

1 disturbances or something to that effect.

2 JUDGE JONES:

3 Are you submitting the bill as evidence?

4 A. I didn't even bring that with me.

5 JUDGE JONES:

6 Then Mr. O'Toole, I can't allow that as  
7 evidence into the record.

8 A. Other things that have occurred, an electric fan  
9 that is on a remote goes on or off without touching  
10 the remote. The television goes on and off without  
11 touching the remote. My outdoor lights, which are on  
12 a remote, go on or off without my touching anything to  
13 cause it. These are all caused because the remotes  
14 work on a cycle type of situation. And what they are  
15 doing is messing with the cycles, frequency  
16 modulation.

17 On one instance I was working with an upright hard  
18 computer and reading from a laptop, which was plugged  
19 in. Both of them ---.

20 JUDGE JONES:

21 So you were working on a desktop as well  
22 as a laptop?

23 A. As well. I was reading from the laptop, working  
24 on the desktop.

25 JUDGE JONES:

1                   Okay.

2   A.   And both of them went off.  Now, these surges,  
3 these modulations, frequency modulations have to be  
4 severe, because they pass through a 1500 watt UPS,  
5 uninterruptible power source, of which each computer  
6 is in separately.  There are separate 1500 watt UPSes.  
7 And these electrical problems pass through this.  The  
8 only thing that can get through this I'm told is  
9 frequency modulations, current spikes or deficiencies  
10 would be corrected, voltage or amperage.  But  
11 frequency --- now, you can get equipment that will,  
12 but it is extremely expensive.

13           In the 15 years in my last home in Maryland my  
14 computer only lost data once and that was due to a  
15 latent timed virus.  All of the problems that I've  
16 been having in Pennsylvania are not due to a virus.  
17 How can I be sure?  I don't have outside contact with  
18 any of my computers.  I don't use internet or anything  
19 outside.  The only thing that that computer sees is  
20 what has been put into it.

21           In the past four years I've taken my computer for  
22 repairs due to lost data, due to crashes approximately  
23 every three to five months to the tune of several  
24 hundred dollars.  I have check overdraft for the first  
25 time in my life because of modifications caused by the

1 electricity coming into my computer.

2 On one occasion I did not --- I had a problem with  
3 one computer and I didn't have the other one on. I  
4 quit, because everything went out. I quit that night.  
5 The next day when I turned them on both of them ---  
6 both of them had a problem ---

7 ATTORNEY TOTINO:

8 Your Honor ---.

9 A. --- even the one that was not on.

10 JUDGE JONES:

11 Repetitive.

12 A. It's not repetitive. This is different. Both of  
13 them. One was on, one was not. That's not  
14 repetitive. The one that was not on also would not  
15 boot up. Now, computers ---.

16 JUDGE JONES:

17 Mr. O'Tcole, let me caution you, sir.  
18 You have a tendency to talk in generalities and then  
19 you give examples on specifics. And I believe this is  
20 why Mr. Totino and I believe Mr. Totino is being  
21 rather patient and provided an objection to the Court  
22 as far as repetitive, being repetitive. That is also  
23 causing the record to be somewhat cumbersome. And I  
24 do not want that to happen, because I have to go  
25 through the record to provide an objective decision.

1 If the record is cumbersome it hinders me in providing  
2 an objective decision.

3                   So why don't --- I hope you take this  
4 caution to heart. Why don't you provide specifics as  
5 opposed to generalities?

6 A. Well, this is specific.

7                   JUDGE JONES:

8                   Then we pro rate as evidence --- for  
9 evidence. But when you talk in generalities and then  
10 you provide a specific, it sounds repetitive.

11 A. Well, the specific is to the generality.

12                   JUDGE JONES:

13                   Well, we've heard enough instances where  
14 you were working with your laptop and your desktop.  
15 We heard instances where you lost data. And I believe  
16 I provided to you that I had heard the specific dates,  
17 so you are now talking about where you're trying to  
18 provide substantiations that it has to be the electric  
19 service, because you did not have this problem in  
20 Maryland, that you're not exposing your computer  
21 equipment to outside sources, such as the internet. I  
22 understand. I also understand why you're providing  
23 the frequency of the time frame and interface with the  
24 technician. That you're trying to provide me with  
25 evidence that by ruling out other instances it has to

1 be the electrical source. But then you went back to  
2 generalities of the computer going out, the desktop  
3 going out, and that sounds like that's repetition.

4 I'm cautioning you again. Please provide  
5 specifics. Mr. Totino is free to object again. This  
6 Court is trying to be very patient, Mr. O'Toole.  
7 Please don't wear out my patience.

8 A. All right. I will bring in one other thing ---  
9 what I was about to say was, even though a computer is  
10 not turned on, if it is plugged in it is still active.  
11 And the one that --- the one I said was not working  
12 and then when I did turn it on it wasn't working, is  
13 because it was attacked at the same time as the one I  
14 was working with.

15 Now, whether it's attacked then or whether it was  
16 attacked during the night and both of them were hit  
17 overnight, I don't know when both of them are off  
18 because I have no way of telling that.

19 There's one ---. On the TV, suddenly the TV  
20 started getting snowy and it remained totally snowy  
21 that I could hardly see the picture from 2:41 a.m. to  
22 2:49 a.m. I mean --- and there is within that 12  
23 minute parameter that I was talking about.

24 On October 24th at 9:20 p.m. simultaneously a 22  
25 watt florescent bed lamp suddenly briefly flickered

1 and went off permanently. It will not come back on.  
2 In other words, whatever hit it blew it out. At the  
3 same time the TV went snowy. And I've lost all of the  
4 Baltimore channels and I've lost most vision of the  
5 Pennsylvania channels. Now, both of my channels ---  
6 my two areas are not coming from the same antenna.  
7 One antenna brings in Baltimore. Another antenna  
8 brings in Pennsylvania. So losing those both,  
9 something had to hit both of them, which is  
10 coincidence. I don't think so. Some of these repairs  
11 I feel I should reimbursed for.

12 Met Ed has informed me that these phenomenon, the  
13 visualization of such current changes is a figment of  
14 my imagination. I don't think so.

15 JUDGE JONES:

16 Mr. O'Toole, I appreciate you perusing  
17 what you have written to try to not be repetitive and  
18 also to consider some of my rulings.

19 A. Okay. At any one time, as I live alone, the  
20 maximum electricity I use any one day is --- because I  
21 have --- it is minimal. And because I have does not  
22 mean they are used. However, Met Ed representatives  
23 who have visited my home have claimed that because I  
24 have the equipment it is in use, even to the point of  
25 telling me that a spa that I have it draws an

1 extremely large amount of current. I don't know how,  
2 because there is no wiring going to the spa, yet I was  
3 told I use it. This was by a female representative  
4 who came to my home with a bevy of others, power in  
5 numbers I presume, but she was the one doing all of  
6 the talking telling me what I did have, what I didn't  
7 have and what I used and what I don't use.

8 She said --- this is what I do have. I have seven  
9 TVs, but I can only watch one at a time. I have three  
10 rooms, two closets and I use two baths, but I can only  
11 be in one room at a time. When I'm not in there the  
12 light isn't on at night. I have nine vehicles, four  
13 classics, two not here and I only drive one at a time.  
14 Four tractors, cabled, no-cab, lawn and snow blower,  
15 but I can only drive one at a time. Four golf carts,  
16 electric, gas. The gas is for him, gas for her, for  
17 my wife when she was alive. But I can still only  
18 drive one at a time. Yet according to her I'm using  
19 all the equipment all of the time. How?

20 I have been told --- I was told by this person  
21 that a 60 watt bulb is what I have in my house. I use  
22 60 watt and most people use 100 watts, so I have some  
23 100 watt bulbs in there. No way. I use all  
24 fluorescent lighting. The maximum ceiling light I  
25 have is 22 watts. When I'm not in the room, but just

1 looking at the television I use an eight watt  
2 fluorescent. And she told me that when I pass from  
3 one room to another at night I turn on a light, which  
4 is at least 100 watts. I don't know how, because  
5 every room has a motion sensor attached to a four watt  
6 night light. That's how I pass between rooms.

7 I asked her --- I showed her the fluorescent  
8 lights and told her the maximum lights that I had  
9 fluorescent is 30 watts in use at any one time. And  
10 she informed me that's impossible, I had to have the  
11 others, the incandescent. I asked her what was the  
12 difference. She said, fluorescents don't give enough  
13 light. That 60 watt bulb gives you twice as much  
14 light as a 30 watt fluorescent. Impossible.

15 And I was told I can't use a 22 watt bulb for a  
16 room light because it isn't high enough. I've had  
17 experience in design. If you place that 22 watt  
18 fluorescent four to six inches from the ceiling on a  
19 near white ceiling you've got light for that entire  
20 room. Believe me.

21 She also said that changing the fuse in that  
22 transformer upgraded the entire transformer.

23 JUDGE JONES:

24 Mr. O'Toole, we've been here before.

25 A. She said --- well, these are things that she did

1 while she was there. She said, I have an air  
2 conditioner, therefore I must use it. I don't. I'm  
3 in a wind tunnel. I have cool weather all winter ---  
4 all summer. Electricity --- I have to use electricity  
5 for outdoor Christmas lights. Where I'm located you  
6 couldn't see them. It goes up a long hill of which I  
7 have here a picture and will show you the driveway  
8 going up to the house if you --- and you can't see  
9 that house, yet she says I use Christmas lights.

10 JUDGE JONES:

11 Mr. O'Toole, are you planning to submit  
12 the pictures into the record?

13 A. Yes, I can. Bring it up to you?

14 JUDGE JONES:

15 Actually, you need to show that to  
16 opposing Counsel.

17 A. And here's another one. The house --- and in this  
18 I have the house. And I was also told that I have a  
19 dish. Yeah, I do, but it's not connected. And this  
20 is the other picture.

21 Because I have equipment --- I'll cut to the  
22 nitty-gritty. Because I have equipment does not mean  
23 I use it. I bought a lot of this equipment when I was  
24 younger and did use it. I haven't used a lot of it in  
25 years, but I still have it. That doesn't mean I'm

1 using it. But according to her, if I have it I have  
2 to be using it.

3 JUDGE JONES:

4 Mr. O'Toole, can I ask you to allow  
5 opposing Counsel to finish looking at the pictures  
6 that you potentially want to submit into the record  
7 before you move on?

8 A. Okay.

9 ATTORNEY TOTINO:

10 You can go ahead.

11 JUDGE JONES:

12 Why don't we have those marked as O'Toole  
13 Exhibit One and Two.

14 (O'Toole Exhibits One and Two marked for  
15 identification.)

16 JUDGE JONES:

17 I believe there are two sheets.

18 ATTORNEY TOTINO:

19 Yes. Actually, Your Honor, if we're  
20 going to cover this now we would like to object. I  
21 guess you don't have a copy either?

22 JUDGE JONES:

23 He hasn't asked to have them admitted  
24 into the record, Mr. Totino.

25 A. Yes, I have.

1                   JUDGE JONES:

2                   You have?

3 A.    You asked me if I wanted them --- to submit them  
4 and I said yes.

5                   JUDGE JONES:

6                   Okay. Then let's preliminary mark them  
7 and I will hear your objections, Mr. Totino. I  
8 haven't even seen them.

9                   ATTORNEY TOTINO:

10                  I wasn't sure. I thought he had moved  
11 them, that's why ---.

12                  JUDGE JONES:

13                  I'm sorry, Mr. O'Toole, I missed that.

14 A.    That's all right. I was talking rather rapidly.

15                  JUDGE JONES:

16                  Okay. Mr. Totino, your objection?

17                  ATTORNEY POVILAITIS:

18                  Can we have just a moment, Your Honor?

19                  JUDGE JONES:

20                  Sure.

21                  ATTORNEY TOTINO:

22                  I guess preliminarily we would like to  
23 know the photographs --- the purpose of the  
24 photographs. Were they photographs simply for this  
25 case or ---?

1                   JUDGE JONES:

2                   Mr. O'Toole?

3 A.    Why would that have any importance?

4                   JUDGE JONES:

5                   Mr. Totino?

6                   ATTORNEY TOTINO:

7                   I'm trying to establish a foundation.

8 A.    The foundation is that the photographs are there  
9 to visually --- give visual proof of the statement  
10 that I made.

11                   JUDGE JONES:

12                   Okay.

13                   ATTORNEY TOTINO:

14                   That's where we're having trouble. We  
15 don't ---.

16                   JUDGE JONES:

17                   Mr. O'Toole, perhaps maybe I can help.  
18 These photographs that you have submitted, they are an  
19 accurate depiction of the property where you receive  
20 electrical service from Met Ed?

21 A.    Yes, they are.

22                   JUDGE JONES:

23                   Okay. They are pictures that are dated  
24 2003 and pictures that are dated 2004. So the  
25 pictures depict a time period, an evolution of time.

1 And I'm trying to decipher what is the objective  
2 you're trying to meet with these pictures.

3 A. To demonstrate that you cannot see my home from  
4 the road and therefore Christmas lighting is  
5 definitely out.

6 JUDGE JONES:

7 Okay.

8 A. The home itself I have not yet covered.

9 JUDGE JONES:

10 Okay. Mr. Totino, it appears that Mr.  
11 O'Toole is submitting these pictures for the purpose  
12 of showing that the view of his home cannot be seen by  
13 anyone except for someone residing in his home. That  
14 is the only purpose he is providing these pictures for  
15 the Court. Do you still have an objection?

16 ATTORNEY TOTINO:

17 We do. I don't see how those pictures  
18 demonstrate or show one way or the other the  
19 visibility of his home from the road.

20 JUDGE JONES:

21 Mr. O'Toole?

22 A. Do you see my home from the base of the driveway?

23 JUDGE JONES:

24 Mr. O'Toole, I believe that I have to  
25 agree with Mr. Totino. The perspective that you have

1 provided of the home is basically just these pictures,  
2 these three.

3 A. That's to show that there are ---.

4 JUDGE JONES:

5 Wait a minute. Let me speak and then you  
6 can respond. The rest seems to be of a road. I have  
7 no perspective of where that road is in relationship  
8 to your home. These three show the home. This one I  
9 can't tell how --- I can tell that you're away from  
10 the home, but I can't tell what's adjacent to this  
11 side or on this side of the home. I can see that  
12 there's nothing --- appears to be nothing in back, but  
13 I don't know if the home is blocking that. So I can't  
14 use this as evidence that no one can see your home.  
15 This one I have the same problem with. This one I  
16 have the same problem, sir. So if your objective is  
17 to show me with these pictures that your home cannot  
18 be seen for a radius of, I don't know, a mile, I can't  
19 get that from these pictures.

20 So if you --- I'm basically acknowledging  
21 Mr. Totino's objection. But I'm also telling you,  
22 sir, if I would allow this in, I couldn't substantiate  
23 your objective, because your objective for these  
24 pictures was to show me that I can't --- no one can  
25 see your home. I can't tell that from these pictures.

1 Do you understand what I'm saying?

2 A. The pictures shows the driveway and the length of  
3 the driveway going uphill.

4 JUDGE JONES:

5 It does show that, sir.

6 A. And that it is a hill. And it also --- that  
7 house --- the house is pictured and it sits on a level  
8 spot.

9 JUDGE JONES:

10 It does show that, sir.

11 ATTORNEY TOTINO:

12 Your Honor, I can't --- I might have an  
13 easier way out of this.

14 JUDGE JONES:

15 Okay.

16 ATTORNEY TOTINO:

17 We would stipulate that Mr. O'Toole's  
18 residence is not visible from the road, as long as  
19 that doesn't have any probative value as to whether he  
20 uses Christmas lights.

21 JUDGE JONES:

22 Okay. Mr. O'Toole, do you understand  
23 that stipulation?

24 A. Yes.

25 JUDGE JONES:

1                   Okay. Do you object to that stipulation?

2 A. Yes, I do.

3                   JUDGE JONES:

4                   Why?

5 A. Because basically I don't use Christmas lights,  
6 never have ---

7                   JUDGE JONES:

8                   Mr. O'Toole ---.

9 A. --- and can't find them if I did.

10                  JUDGE JONES:

11                  Wait a minute, Mr. O'Toole. Did you  
12 understand the stipulation?

13 A. Yeah.

14                  JUDGE JONES:

15                  According to your response I don't think  
16 you, sir.

17 A. He made the statement that this does not show  
18 Christmas lights. How can someone see the Christmas  
19 lights if they can't see the house?

20                  JUDGE JONES:

21                  Mr. O'Toole, let me ask you, please  
22 listen to the stipulation. Do you understand?

23                  ATTORNEY TOTINO:

24                  Our stipulation probative was to agree  
25 that you cannot see the O'Toole residence from the

1 road, but that stipulation is not probative as to  
2 whether you use Christmas lights --- Mr. O'Toole uses  
3 Christmas lights.

4 JUDGE JONES:

5 Mr. O'Toole, now hearing the stipulation  
6 again ---.

7 A. Am I under oath, Your Honor?

8 JUDGE JONES:

9 Yes, you still are.

10 A. Then when I make a statement I do not use  
11 Christmas lights, that's under oath?

12 JUDGE JONES:

13 That's under oath.

14 A. Unless they can prove otherwise that has to be  
15 taken as fact.

16 JUDGE JONES:

17 Mr. O'Toole, I am aware of the evidence.  
18 Okay? I take in evidence and then I decide whether I  
19 agree with it and if I agree with it what degree I  
20 agree with it. So I'm the person that will decide  
21 what is fact and what's not based on the entire record  
22 and what may be contradicted in the entire record.

23 Mr. Totino has not provided --- his  
24 stipulation is that from the road you can see your  
25 property.

1 A. Cannot see.

2 JUDGE JONES:

3 Correct. I'm sorry. But he is not ---  
4 he is saying that the evidence that you provided, sir,  
5 does not show whether you use Christmas lights or not.  
6 And I agree with him. This evidence does not show  
7 that.

8 A. All right. One other statement. There are no  
9 outlets to the exterior of this house. There would be  
10 no place to plug them in.

11 JUDGE JONES:

12 Okay. Thank you, Mr. Totino. Mr.  
13 O'Toole, I would behoove you to move on.

14 A. Okay. And --- I lost where I was. When I go up  
15 and down stairs, I do not turn on stairway lighting.  
16 As I enter the stairwell a motion sensor picks it up,  
17 turns on a light for me and within two minutes of my  
18 getting up there the four watt light goes off. So my  
19 use of electricity is minimal, very minimal.

20 As I said, my ceiling lights are 22 watt. Now,  
21 the fact that I have two five --- no, three lamp  
22 ceiling light fixtures with a fan attached to both  
23 does not indicate that I use them. They're there, but  
24 I do not use them. I have no need for them. When I  
25 enter that room the room is lit with a five watt night

1 light until I get to where it is I'm going. If I'm  
2 sitting at my desk it's a twin 15 watt desk lamp. If  
3 I'm sitting in the chair watching TV, it's an eight  
4 watt florescent.

5 JUDGE JONES:

6 Mr. O'Toole, let me stop you because you  
7 appeared to have a pregnant pause. According to our  
8 exchange in reference to O'Toole Exhibit Number One  
9 and O'Toole Exhibit Number Two, I am accepting for the  
10 record --- admitting into the record O'Toole Exhibit  
11 Number One with a proviso of the company's  
12 stipulation. O'Toole Exhibit Number Two is not  
13 admitted into the record noting the company's  
14 objection.

15 A. The kilowatt hour usage, it is the --- Met Ed  
16 claims that I used 1,500 kilowatts. Kilowatts, that's  
17 1500 thousand watts per month. That's far excessive.  
18 My refrigerator uses 226.75 kilowatts per month. The  
19 freezer uses --- my freezer uses 70 kilowatts per  
20 month. The TV uses .005 kilowatts per month. The VCR  
21 uses .00012 kilowatts per month. Microwave, when it  
22 is used uses .401. The fans, if I use them at all in  
23 the summer, I use them for maybe five to ten minutes  
24 just to air out the house, that uses .4015 kilowatts.  
25 Front light outside used --- on arrival late at night

1 used 12 to 15 kilowatts per month. Hot water heater  
2 uses 75.5 kilowatts per month. That's as stated on  
3 the hot water heater and that's based on the fact that  
4 at least two baths or showers are taken daily. That  
5 doesn't occur.

6 JUDGE JONES:

7 Mr. O'Toole, I'm assuming that your hot  
8 water heater is electric and not gas?

9 A. It is electric. It is sand insulated, triple sand  
10 insulated. It is of a new model, very efficient.  
11 Lighting in the house is .15 to .2 per month. My  
12 computer is .001 kilowatts per month. And that's  
13 exaggerated. Electric stove, I don't use it. I can't  
14 get to it. It's still blocked. We moved from a house  
15 much larger than this and I have paths through this  
16 house. I don't have room. It's paths to get from one  
17 place to another so frequently certain rooms are not  
18 even used.

19 All of these figures are taken from the published  
20 information that came with the appliance as average  
21 use. I do not use any of them average, because I'm  
22 the only one there. The average use is based on a  
23 family of three to four. I am rarely at home except  
24 to sleep. So basically I don't have lights on except  
25 when I come home. Now, preparing for this I was home

1 because I had to prepare for this. Normally I'm out  
2 until about 11 o'clock at night. Therefore, usually  
3 lights in the house are not even used. When I get  
4 home I have only one thing on my mind, resting.

5       Clocks are all battery operated, because the  
6 electricity fouls them up. They do not keep accurate  
7 time. Power tools, I haven't used those in the past  
8 five years. Basically, even though I have a lot of  
9 them I can't get to them. They're packed in the  
10 garage. However, that representative says that if I  
11 have them they're used.

12       And as I said, the age of the --- age of the wires  
13 coming to the house sags causing inductive currents.  
14 This may be part of my problem.

15                       JUDGE JONES:

16                       Mr. O'Toole, we've been here before.

17 A. Well, I just say that this may be part of the  
18 problem. Presently on my property one horse stable,  
19 44 by 22, unheated. In 1995 two electrical outlets,  
20 15 amp each, both of them on the same 15 by the way,  
21 two back barns, 65 by 25, built in 1884, and in  
22 another one, 20 by 14 built in 1995, both unheated.  
23 Both have one --- the bank --- the larger bank barn  
24 has two outlets. The smaller one has one outlet, 15  
25 amp max.

1 One farmhouse, vintage 1864, all of 36 feet by 22  
2 feet, and that's why the picture was there, to show  
3 you the house. The first floor consists of two and a  
4 half rooms plus a bath. The second floor consists of  
5 one room plus a bath and a cellar, which is unpaved  
6 and unheated. This is the reason why only 600 --- 800  
7 amp would be required in the house.

8 I went over those. I have a question. What in  
9 the electric meter calculates the bill? What's the  
10 electric meter calculate?

11 JUDGE JONES:

12 Mr. O'Toole, let me suggest that if and  
13 when the company provides a witness in reference to  
14 how they calculate your bill or your billing, then you  
15 can ask that question of that witness.

16 A. I didn't say how they calculate the bill. I asked  
17 them how the meter records what I've used.

18 JUDGE JONES:

19 If and when the company provides a  
20 witness in reference to metering, then you can ask  
21 that question, sir.

22 A. Okay. I would think that they should know,  
23 but --.

24 JUDGE JONES:

25 Mr. O'Toole ---

1 A. Sorry.

2 JUDGE JONES:

3 --- this is your opportunity to present  
4 your case.

5 A. Yeah. Well, if I'm a layman ---

6 JUDGE JONES:

7 I understand.

8 A. --- none of this ---

9 JUDGE JONES:

10 Sir ---.

11 A. --- they work for --- they work for the electric  
12 company. They should also have some knowledge.

13 JUDGE JONES:

14 Sir, they have provided you an  
15 opportunity to present your testimony. Testimony does  
16 not mean asking them questions. When you are  
17 provided --- when they are provided an opportunity to  
18 assert their side, if they should chose to do that,  
19 then you can ask their witness questions. This is not  
20 the opportunity to provide questions.

21 A. And I have a full page of them.

22 JUDGE JONES:

23 This is not the opportunity. It is when  
24 they present their side that you can ask questions.

25 A. These are plans that I hope to execute, however, I

1 cannot with the supply of electricity as it's coming.  
2 I barely have enough for the house itself. I plan to  
3 build a rancher on the top of a hill where I do have a  
4 view of everywhere. A garage built underneath, which  
5 will house vehicles and farm equipment. This goes for  
6 the needs for the electricity that I have ---.

7 JUDGE JONES:

8 This goes to your request for the 1500  
9 amps ---

10 A. The 2000.

11 JUDGE JONES:

12 --- minimum?

13 A. Right.

14 JUDGE JONES:

15 Mr. Totino, do you have ---?

16 ATTORNEY TOTINO:

17 I was going to object just because I  
18 think we've covered the adequacy of the power issues  
19 already.

20 A. And I'm not to worry ---.

21 JUDGE JONES:

22 And Mr. O'Toole, your testimony is trying  
23 to --- but for the reasonableness of your request for  
24 1500 amps?

25 A. Very definitely.

1                   JUDGE JONES:

2                   Based on your vision of future  
3 improvements to the property?

4 A.    And what has held me up so far from doing this.

5                   ATTORNEY TOTINO:

6                   And I thought he had already covered  
7 that.   I know he mentioned that he --- that there  
8 was --- that was the reason that he wanted the 1500 or  
9 the 2000 to accommodate other structures.

10 A.   But it's on the same property and it has the  
11 building rights and it is the onus of the electric  
12 company to provide for that needed --- and they  
13 haven't.

14                   JUDGE JONES:

15                   Mr. O'Toole, I do believe Mr. Totino is  
16 correct, that you did provide information to say that  
17 you wanted to --- your minimum amperage was 1500 after  
18 you had said 2000 and then you came back and say,  
19 well, minimally 1500.   And you did say that you wanted  
20 to improve your property.   However, Mr. Totino --- Mr.  
21 O'Toole, you did not provide specifics as to your  
22 visions for improvement of your property.

23 A.    I'm doing that now.

24                   JUDGE JONES:

25                   I am not sure that --- let me go this

1 way. Because you have not --- you do not have those  
2 improvements in now as I'm looking at the property  
3 now, I cannot ascertain evidence of what is in your  
4 mind for improvements, because I do not know if you  
5 actually will follow through with those improvements.

6 A. I have been turned down for these improvements  
7 because of lack of electrical supply.

8 JUDGE JONES:

9 Okay. Then what I will take into  
10 evidence is that statement, that you have been turned  
11 down for these improvements because of lack of  
12 electricity. I will take that statement. I do not  
13 believe that that was previously stated, Mr. Totino.  
14 So I will allow that. However, your visions for what  
15 you're planning to do, I will not allow, Mr. O'Toole.

16 A. Well, this is why I need it.

17 JUDGE JONES:

18 I understand that. I will take the  
19 statement that ---.

20 A. This was the plan that was submitted and turned  
21 down.

22 JUDGE JONES:

23 Mr. O'Toole, I will take the statement  
24 that you have been obstructed from improving your  
25 property because of inadequate electricity. Okay? Do

1 you understand that?

2 A. Which they want me to pay for.

3 JUDGE JONES:

4 Do you understand what my ruling is?

5 A. Yes, I do.

6 JUDGE JONES:

7 Okay. Mr. Totino, do you understand my  
8 ruling?

9 ATTORNEY TOTINO:

10 I do, Your Honor. The only thing I'm  
11 going to need clarification of, he says turned down by  
12 whom?

13 A. The State of Pennsylvania and the community.

14 ATTORNEY TOTINO:

15 When you say turned, what do you mean?

16 A. They said I cannot do this with the  
17 electricity --- with the utilities that as are  
18 presently supplied. Now, the only utilities I have  
19 coming there that would not meet this is electricity.

20 JUDGE JONES:

21 Okay.

22 A. Because it would be well and septic.

23 JUDGE JONES:

24 Mr. O'Toole, you're saying the State of  
25 Pennsylvania has turned down permits, has turned

1 down ---.

2 A. Preliminary --- a preliminary request was said,  
3 don't present it, it will not go through.

4 JUDGE JONES:

5 Okay. Mr. O'Toole, do you have any  
6 evidence provided, the plans or permits that were  
7 rejected by the state because of inadequate service?

8 A. I have the plans for this house, yes, but not with  
9 me.

10 JUDGE JONES:

11 Mr. O'Toole, listen to my question. Do  
12 you have any written documentation that has rejection  
13 of your plans stating there was inadequate electricity  
14 as the reason?

15 A. No, just as I do not have any written --- anything  
16 written from the Met Ed.

17 JUDGE JONES:

18 Okay. Mr. Totino, I will hear your  
19 objection again.

20 ATTORNEY TOTINO:

21 I'll repeat it. I object for lack of  
22 substantiation and the fact that he still hasn't  
23 identified exactly who has turned him down when it  
24 comes to his plans for his property.

25 JUDGE JONES:

1                   Mr. O'Toole, I am inclined to sustain Mr.  
2 Totino's objection, simply because you have not  
3 provided evidence as to who has deterred you from  
4 progressing in your plans and who stated that that  
5 determent was based on inadequate electricity.

6 A.   It is impossible to obtain such as it has been  
7 impossible for me to obtain such from Met Ed for eight  
8 years ---

9                   JUDGE JONES:

10                  Mr. O'Toole ---.

11 A.   --- my previous questions.

12                  JUDGE JONES:

13                  Mr. O'Toole, I don't think you understand  
14 my ruling.

15 A.   Oh, I understand and I understand that we the  
16 people are being abused.

17                  JUDGE JONES:

18                  Well, let me say this, Mr. O'Toole. It  
19 would not be Met Ed, according to your testimony, that  
20 deterred you from building, improving your property  
21 because of inadequate electricity. According to your  
22 testimony, sir, it would have been someone else from  
23 the State of Pennsylvania.

24 A.   Met Ed has told me that I do not have sufficient  
25 power in my house to do any additional electric in any

1 of the other buildings. I wanted --- when I first  
2 moved there I asked the Met Ed predecessors for --- to  
3 provide for the barn that is --- the horse barn that  
4 is there, a five stall horse barn from the existing  
5 electricity and they said, you can't do it.

6 JUDGE JONES:

7 Mr. O'Toole ---.

8 A. And that was Met Ed --- that was Met Ed's  
9 predecessor. And who was it? How do I know, because  
10 I went through so many offices I have no idea who they  
11 were.

12 JUDGE JONES:

13 Mr. O'Toole, I think you need to consider  
14 your testimony, sir. Because from what I was hearing  
15 you are contradicting yourself ---

16 A. No, I'm not.

17 JUDGE JONES:

18 --- or you are talking about separate,  
19 distinct instances. I hope it's the latter and not  
20 the former. What I will take from you, sir, is a  
21 statement that Met Ed has deterred you from improving  
22 existing property because they cannot provide adequate  
23 service above what they are providing now in amperage.

24 A. That is not true.

25 JUDGE JONES:

1                   That is not true? Then what are you  
2 talking about, sir?

3 A. Met Ed has informed me that before I can add  
4 anything else to my property I must pay to have all of  
5 the wiring necessary brought from, I have no idea  
6 where, to the meter.

7                   JUDGE JONES:

8                   Okay. Mr. O'Toole ---.

9 A. And my responsibility is only for the meter in,  
10 not prior.

11                   JUDGE JONES:

12                   Mr. O'Toole ---.

13 A. Their responsibility, according to this tariff, is  
14 to provide to me the ---.

15                   JUDGE JONES:

16                   Mr. O'Toole, we have covered this ground.

17 A. Well, that's the main thing.

18                   JUDGE JONES:

19                   Okay. Mr. O'Toole, I am not certain that  
20 I have grasped everything that you have stated.

21 However, I am certain that I am confused. I am  
22 certain that I hear contradictions. What I believe  
23 is occurring is that you are talking about distinct  
24 and separate instances. So why don't we move on.

25                   Mr. Totino, I will consider your

1 objection. I am not ready to rule on it.

2           Mr. O'Toole, I will caution you, sir,  
3 that by confusing me you are not going to get a good  
4 result, because I'm the person that has to make  
5 distinctions of what you are providing as evidence.  
6 You have the burden of proof. If your proof has not  
7 substantiated that burden because I'm confused, I will  
8 probably not rule in your favor, sir. So it behooves  
9 you to make it clear to me what you are talking about.  
10 Do you understand that, sir?

11 A. I am talking about the electrical service coming  
12 to my home and the excessive billing that has  
13 occurred.

14           JUDGE JONES:

15           Okay. Mr. O'Toole, every time that you  
16 respond to me you're changing what you're talking  
17 about. First you were talking about the cabling.  
18 Then you were talking about ---.

19 A. That's the electrical service.

20           JUDGE JONES:

21           Mr. O'Toole, I allowed you to speak.  
22 Please allow me to speak. Then you were talking about  
23 the metering, the metering from the meter to your  
24 house. Now you are talking about the electric service  
25 in broad parameters. I need for you to be very

1 specific so that I am not confused.

2 A. I have been attempting to talk about the  
3 electrical service to my home, that was supposed to be  
4 provided to my home by Met Ed and the excessive  
5 billing. And this all comes under that as far as I  
6 can see. Now, I don't know why I am expected to know  
7 all the ins and outs and minions of electrical service  
8 when that is not my area of expertise. Now, I can  
9 talk about aerobacter. I can talk about pseudomonas.  
10 I can talk about the different types of radiological  
11 sterilants used for medical products, all this stuff,  
12 but this is not your area. This is mine. I'm  
13 expected now to talk in their language and I can't.

14 JUDGE JONES:

15 Mr. O'Toole ---.

16 A. I asked them a question as an attorney for them,  
17 an electrical question and they couldn't ---. All  
18 they're doing is spouting legalese ---

19 JUDGE JONES:

20 Mr. O'Toole ---.

21 A. --- and that's not my area either.

22 JUDGE JONES:

23 Mr. O'Toole, let's go off the record.

24 OFF RECORD DISCUSSION

25 JUDGE JONES:

1                   Let's go back on the record. I have had  
2 an exchange with Mr. O'Toole in reference to how we  
3 are proceeding in this matter. I have cautioned Mr.  
4 O'Toole that I do not want the record burdened, that I  
5 want to understand his case, that I understand that he  
6 may be frustrated, but I am the person presiding over  
7 this matter.

8                   Mr. O'Toole has shared with this ALJ that  
9 he believes we have not covered the rationale as to  
10 why his bills have more than doubled. Mr. O'Toole,  
11 you may proceed.

12 A. Met Ed agrees that my bills have increased. They  
13 have not stated how much. I'm stating they have more  
14 than doubled. I know why and so do the people of  
15 Pennsylvania.

16                  Several years ago the people of Pennsylvania made  
17 such an uproar in the fact that the cost of  
18 electricity was going out of sight for them that it,  
19 the electric utilities, was compelled to offer the  
20 option of getting outside electrical supply that would  
21 come through Met Ed's lines. This was fine. The  
22 bills went down for awhile. Then Met Ed through  
23 wholly-owned subsidiaries undercut all these outside  
24 companies such that as of today very few, if any, of  
25 these independent companies provide service,

1 electrical service through Met Ed. The principal  
2 suppliers of electricity through Met Ed now are  
3 wholly-owned subsidiaries of Met Ed, which means Met  
4 Ed is still controlling. And in so doing have also  
5 then petitioned the Public Service Commission to allow  
6 them through the tariffs to, in essence, match the fee  
7 charged by these subsidiaries. Originally they had a  
8 service fee which was low and the cost of the  
9 electricity, and that was just a just a general --- or  
10 to transmit, and the cost of the electricity was  
11 through these independents, which no longer exist.  
12 And now the transition fee cost equals that of the  
13 service fee. That doubles one's bill.

14 In addition to that they have added two other ---  
15 or one other thing to each side, which increases the  
16 bill even more.

17 ATTORNEY TOTINO:

18 Your Honor, I'd like to object. I don't  
19 see any foundation for this.

20 A. It's in the bills.

21 ATTORNEY TOTINO:

22 Well, then ---.

23 A. One, you should have --- you should know what the  
24 bills say if you're representing them. And I can't  
25 find right now any bills, though I know I have them.

1 Well, what you have there, that table, which was  
2 taken from what you submitted to me, it has on there,  
3 transmission and service fee. You'll find they are  
4 almost identical where originally there was only one  
5 fee, now both of them are identical and they are more  
6 than what the one fee was several years ago.

7 JUDGE JONES:

8 Mr. O'Toole, do you recognize, sir, that  
9 you are the person that is bringing this complaint and  
10 has the burden to ---.

11 A. They have the proof in their hands.

12 JUDGE JONES:

13 Mr. O'Toole, you do receive your bills;  
14 correct?

15 A. I remembered where I stuck them.

16 JUDGE JONES:

17 Excellent. Mr. Totino ---.

18 A. At my age that may be difficult sometimes.

19 JUDGE JONES:

20 Mr. Totino, your objection is that there  
21 is lack of foundation?

22 ATTORNEY TOTINO:

23 Correct.

24 JUDGE JONES:

25 Mr. O'Toole, would you like to admit your

1 bills as foundation for the service fee?

2 A. I would like to submit a copy when I make it.

3 JUDGE JONES:

4 You would like to submit a copy?

5 A. When I make it. Because I keep my bills. And if  
6 I submit this then I don't have it.

7 ATTORNEY TOTINO:

8 Well, actually to establish foundation,  
9 it seems like it's talking about two points in time,  
10 so that's great he has this bill, but I think he needs  
11 or we need a bill from before for comparison purposes.

12 JUDGE JONES:

13 Mr. O'Toole, do you understand Mr.  
14 Totino's request?

15 A. It was written in what was sent to me by Met Ed  
16 that they accepted --- they admitted my bills were 20-  
17 some dollars and now they are over 120-some dollars.

18 JUDGE JONES:

19 Mr. O'Toole, I believe what you are  
20 trying to do is provide history as to how your bills  
21 have more than doubled by showing that Met Ed and its  
22 subsidiaries have strategically provided service and  
23 now they're not in competition and now they are using  
24 that status to charge fees higher. Is that a correct  
25 summary of what you're trying to say, sir?

1 A. That is true.

2 JUDGE JONES:

3 Mr. Totino, I do recognize that Mr.  
4 O'Toole has not provided adequate foundation.  
5 However, what he has stated is correct, that there was  
6 an Act that was provided by the Commission that  
7 allowed the utilities to have competition, that Met Ed  
8 has subsidiaries that do provide that type of service.  
9 However, I do not see anything in Mr. O'Toole's  
10 testimony that is charging that Met Ed has done  
11 anything illegal or outside of the law of the  
12 Commission. So I will take the statement for what  
13 it's worth. Mr. Totino, your objection is overruled.  
14 Mr. O'Toole, do you understand what I have stated to  
15 Mr. Totino?

16 A. Yes, I do. However, I would like to add that by  
17 creating these subsidiaries, wholly-owned  
18 subsidiaries, they have --- you serviced the process  
19 that was intended.

20 JUDGE JONES:

21 In your opinion.

22 A. That's in the opinion of any ---.

23 JUDGE JONES:

24 No. That's in your opinion. You have  
25 not provided any evidence to show that.

1 A. Any business course in college will state that.

2 JUDGE JONES:

3 Mr. O'Toole, you have not provided any  
4 evidence to show that.

5 A. Why can't it be used?

6 JUDGE JONES:

7 Mr. O'Toole, otherwise I cannot allow  
8 that statement if it's not in your opinion.

9 A. It's in my opinion, but also it's common sense.

10 JUDGE JONES:

11 Okay.

12 A. And common sense, as I --- when I opened my case I  
13 said, common sense has to be.

14 JUDGE JONES:

15 Mr. O'Toole, let's move on, sir.

16 A. I'm sorry, I missed that last part.

17 JUDGE JONES:

18 Let's move on.

19 A. In conclusion then, since all of this other has  
20 been listed as hearsay, even though it's documented  
21 within their own records, therefore why should I have  
22 to prove something that they already have, I need the  
23 data requested of Met Ed and all of the other tariff  
24 affiliates and wholly-owned subsidiaries in order to  
25 properly present my proof.

1                   JUDGE JONES:

2                   Mr. O'Toole, we have been through this  
3 territory.

4 A. My conclusion then is repetitious, but I believe  
5 that's what a conclusion is supposed to be, however I  
6 can't say it. It's about time utilities are brought  
7 to bear their responsibilities and pay for their  
8 public abusiveness. I extend an invitation to this  
9 Court to visit my home and see what I have and how I  
10 use it and that there is no way in the world that I  
11 could possibly use between 1,000 and 1,500 watts ---  
12 kilowatts and that's 1500 thousand watts in any one  
13 month. And I will say this. My farm is for sale if  
14 they want to buy it. Because I'm tired of  
15 Pennsylvania.

16                  Electricity, as I've said before, is intangible.  
17 My only documentation, tangible documentation, has to  
18 be in repetitious occurrences.

19                   JUDGE JONES:

20                  Mr. O'Toole, I believe that you're trying  
21 to --- you are going over in trying to provide a  
22 summary of your testimony. The time for that is not  
23 now, sir.

24 A. Anything else would be in contempt. I will --- I  
25 refrain from saying anything.

1                   JUDGE JONES:

2                   Okay. So you have concluded your  
3 testimony?

4 A. I have concluded what I am permitted to provide.

5                   JUDGE JONES:

6                   I recognize that you're frustrated, Mr.  
7 O'Toole. Okay.

8 A. That's putting it very mildly right now.

9                   JUDGE JONES:

10                  Okay.

11 A. Because common sense has to prevail. It has to.

12                  JUDGE JONES:

13                  Mr. O'Toole ---.

14 A. I'm finished.

15                  JUDGE JONES:

16                  Thank you. Mr. Totino, do you have any  
17 Cross for ---?

18                  ATTORNEY TOTINO:

19                  Actually, we do have a little bit. We  
20 were going to suggest perhaps break for lunch.

21                  JUDGE JONES:

22                  I think that's a wise suggestion.  
23 Actually, I need to find out how much longer we have.  
24 I have almost 12:30. Why don't we reconvene around  
25 1:30?

1 ATTORNEY TOTINO:

2 Sounds good.

3 JUDGE JONES:

4 We are in recess.

5 SHORT RECESS TAKEN

6 JUDGE JONES:

7 All right. We'll go back on the record.

8 Mr. O'Toole has concluded his Direct testimony,  
9 presented his case. And I have asked counsel for the  
10 company as to whether they have Cross. They  
11 acknowledge that they did and I do not know which  
12 counsel will proceed.

13 ATTORNEY TOTINO:

14 I will, Your Honor.

15 JUDGE JONES:

16 Okay. Mr. Totino, you may proceed.

17 ATTORNEY TOTINO:

18 Thank you.

19 CROSS EXAMINATION

20 BY ATTORNEY TOTINO:

21 Q. A couple of questions to start on your background.  
22 Am I correct that your primary area of expertise is in  
23 the medical field, not the electrical field?

24 A. Primary, yes.

25 Q. Have you ever testified in Court as an expert

1 witness regarding electrical matters on behalf of any  
2 client?

3 A. No.

4 Q. And you mentioned that you had some unpleasant  
5 experiences with several Met Ed customer service  
6 representatives. Do you have the dates and times of  
7 those calls by any chance?

8 A. Not with me. I have the dates of my calls, but I  
9 don't know who they were. Because as soon as I  
10 insisted on their name they hung up.

11 Q. Do you remember at any point speaking with Steve  
12 Ward?

13 A. Yes.

14 Q. Does that name ring a bell?

15 A. Yes.

16 Q. Did he ever hang up on you?

17 A. No.

18 Q. Do you remember speaking with a Wendell Leppo?

19 JUDGE JONES:

20 Mr. Totino, could I ask you to spell the  
21 last name and Wendell?

22 ATTORNEY TOTINO:

23 Yes. I'm sorry. It's, L-E-P-P-O. I  
24 believe Wendell is, W-E-N-D-E-L-L.

25 JUDGE JONES:

1 Thank you.

2 ATTORNEY TOTINO:

3 And Steve Ward is, S-T-E-V-E ---.

4 JUDGE JONES:

5 I didn't ask for him. Thank you, Mr.  
6 Totino.

7 A. I don't remember it, but items that were spoken  
8 about and attributed to him I remember some of the  
9 items, so I won't --- I can't say yes or no.

10 BY ATTORNEY TOTINO:

11 Q. Okay. How old is your house?

12 A. 1864.

13 Q. And do you know how old the internal wiring is or  
14 the internal circuitry in your house?

15 A. It's modern enough to have circuit breakers and  
16 some of the wiring is tar coated and some of it is  
17 plastic. There is no BX.

18 Q. Okay. When did you buy the property?

19 A. 1996.

20 Q. And is it the --- have you made any changes to the  
21 wiring or the circuitry since then?

22 A. Wiring, yes. I've put in some other wiring to  
23 accommodate some of my amenity remotes and motion  
24 sensors.

25 Q. Now, you mentioned that and correct me if I'm

1 wrong, that you've got floodlights outside?

2 A. Yes, I do.

3 Q. Are they on motion detectors by any chance?

4 A. One is on a motion detector. The other three or  
5 four are on remote control from a remote hand --- a  
6 handheld remote.

7 Q. So the one floodlight that's on a motion detector,  
8 that could be set off possibly by animals or some type  
9 of a motion?

10 A. The electric going to that remote is controlled by  
11 a hand remote, which means until I put the remote for  
12 the regular lights. That one doesn't go on either.

13 Q. So the motion detector isn't --- is also  
14 controlled by a remote?

15 A. To a degree. I'll put it this way. The light  
16 that is remote --- that is on a motion sensor shines  
17 into an area that I don't really need to see that much  
18 more than just to see if something's there, which  
19 means if I do happen to leave the other lights on that  
20 one will go off by design.

21 Q. You mentioned that you have taken various voltage  
22 readings. I was just curious of what device you used?

23 A. That's one of three. That's the smallest and the  
24 least expensive. The other two are larger and one is  
25 very large.

1 Q. And could you please identify that device for ---?

2 A. GDT190A, a GB product.

3 Q. And what is the name just generally of that  
4 device?

5 A. Current tester I guess. It doesn't say. I know I  
6 can test basically anything that any of the other  
7 testers has, a DC voltage, AC voltage, current flow,  
8 all of which are of different amounts.

9 Q. Okay. If you could take me through, how did you  
10 take the recordings using these testing devices and  
11 just generally explain to us how it works.

12 A. Basically you have two needles, one's positive and  
13 a negative. Red's positive, black's negative.

14 Q. And what do you hook that onto to get your ---?

15 A. Anything that has current. I can use it on a  
16 flashlight bulb.

17 Q. An appliance?

18 A. Appliance or a bulb or anything. I mean, as I  
19 said, it also tests conductivity.

20 Q. And does that device have to be calibrated?

21 A. Not by me.

22 Q. Have you done anything to ensure its accuracy?

23 A. Yeah. All three of my devices when I use them get  
24 the same readings. And they have been verified by  
25 your people, because I've taken these when they've

1 been out and they get the same reading I get.

2 Q. When you say your people, what people specifically  
3 are you referencing?

4 A. Met Ed repairmen.

5 Q. Do you have their names?

6 A. No. I'm not good with names.

7 Q. Just one more question, I hope. You mentioned  
8 that --- you mentioned your desire for an upgrade and  
9 you mentioned 800 amps, 800 amps or 2000 amps for  
10 these --- eventually other properties. I was just  
11 curious why you would need an upgrade of that  
12 magnitude?

13 A. Current electrical demands. Well, let me put it  
14 another way, not --- in my capacity, medical  
15 capacities that I speak with, people of all  
16 professions, and electricians have stated that even a  
17 1500 amp within ten years is going to be way outdated,  
18 that 200 --- 800 amp into a home with today's  
19 appliances, et cetera, would be stretching it in a  
20 four bedroom house.

21 Q. When you say electricians ---.

22 A. These are all certified electricians. Some of  
23 them have master, master certification.

24 Q. And who are these electricians? Any publications  
25 to support this or ---?

1 A. You don't have to write something to be an expert.

2 Q. That's not my question. I'm asking --- you're  
3 making a statement that electricians have specified  
4 that 800 amps will be outdated in ten years. And I'm  
5 asking first of all, what electricians and  
6 secondly ---.

7 A. Electricians that are licensed and they're  
8 licensing is even to masters electrician.

9 Q. Well, what specific electricians? Any names, any  
10 organizations?

11 A. Two things. One, I don't remember names. I try  
12 not to. And second is, that's medical privacy. They  
13 were patients. That's where I learn a lot of stuff,  
14 listening to knowledgeable patients.

15 Q. And you don't have any publications here with you  
16 to substantiate that?

17 A. I'm not an electrician.

18 Q. Please answer my question, sir.

19 A. No. I'm not an electrician. Why would I?

20 Q. Please ---.

21 JUDGE JONES:

22 The answer is no, Mr. Totino.

23 ATTORNEY TOTINO:

24 That's all we have, Your Honor.

25 JUDGE JONES:

1 Okay.

2 A. Do I get to ask my questions now?

3 JUDGE JONES:

4 Well, first I have to ask you, do you  
5 have any questions --- or do you have any testimony in  
6 response to their questions?

7 A. They were treating me --- in my feeling they were  
8 treating me as an illiterate ---

9 JUDGE JONES:

10 No.

11 ATTORNEY TOTINO:

12 Objection.

13 A. --- in electricity.

14 JUDGE JONES:

15 Mr. O'Toole, Mr. Totino, I believe,  
16 strategically confined his questions to the distinct  
17 areas. He asked you your expertise. He asked you who  
18 you spoke with as far as dates and times for customer  
19 service with Met Ed. He asked you about the vintage  
20 of your home. He asked you when you purchased the  
21 home. He asked you if you did any upgrade to the  
22 internal wiring of the home. He asked you the device  
23 and you were prepared as to how you tested the voltage  
24 amperage of your home. He asked you if it was  
25 calibrated. He asked you --- I believe he asked you

1 if you calibrated or if it was calibrated outside.

2 You have to confine your testimony to these areas that  
3 Mr. Totino addressed.

4 A. Well, he also asked me to totally explain a device  
5 that he expected me not to know.

6 JUDGE JONES:

7 Is that the extent of your testimony, Mr.  
8 O'Toole?

9 A. Un-huh (yes).

10 JUDGE JONES:

11 Is that ---?

12 A. Well, I have questions.

13 JUDGE JONES:

14 Okay. You have to wait until they  
15 present their witnesses before your questions.

16 A. Well, my questions are directed to them.

17 JUDGE JONES:

18 Right. But you have to wait until they  
19 present their witnesses. I understand you have  
20 questions.

21 A. It's not the witnesses but ---. Okay.

22 JUDGE JONES:

23 Okay. I believe Mr. O'Toole has no  
24 further Direct --- Redirect. I'm assuming that the  
25 company has no response.

1 ATTORNEY TOTINO:

2 Correct.

3 JUDGE JONES:

4 Okay. Does the company wish to present  
5 its case in response to Mr. O'Toole?

6 ATTORNEY TOTINO:

7 We do, Your Honor.

8 JUDGE JONES:

9 You may proceed, Mr. Totino.

10 ATTORNEY TOTINO:

11 Thank you. We call our first witness,  
12 Roselyn Strassner. Actually it's Strassner, I  
13 believe.

14 JUDGE JONES:

15 Ms. Strassner, before you get comfortable  
16 I need to swear you in.

17 -----

18 ROSELYN STRASSNER, HAVING FIRST BEEN DULY SWORN,  
19 TESTIFIED AS FOLLOWS:

20 -----

21 JUDGE JONES:

22 You may be seated. Mr. Totino, you may  
23 proceed.

24 DIRECT EXAMINATION

25 BY ATTORNEY TOTINO:

1 Q. Please state your name and business address for  
2 the record.

3 A. Roselyn E. Strassner and my business address is  
4 2800 Pottsville Pike, Reading PA.

5 Q. By whom are you employed and in what capacity?

6 JUDGE JONES:

7 Excuse me, Mr. Totino. Ms. Strassner,  
8 for the record, could you please spell your last name?

9 A. Yes. It's, S-T-R-A-S-S-N-E-R.

10 JUDGE JONES:

11 Thank you. You may proceed, Mr. Totino.

12 ATTORNEY TOTINO:

13 Thank you.

14 BY ATTORNEY TOTINO:

15 Q. By whom are you employed and in what capacity?

16 A. I'm employed by Met Ed as a business analyst in  
17 the compliance department.

18 Q. And how long have you been with Met Ed?

19 A. Twenty-nine (29) years.

20 Q. And how long have you been in your current  
21 position?

22 A. Twenty-six (26) years.

23 Q. What are your responsibilities and duties in your  
24 current position?

25 A. I'm involved in customer service and my primary

1 duty is to interact with the Commission, Bureau of  
2 Consumer Services in the response to both informal and  
3 formal complaints.

4 Q. And what is the purpose of your testimony here  
5 today?

6 A. The purpose of my testimony is to present and  
7 state the account history and the complaint history  
8 through the reports --- complaint history through the  
9 Bureau of Customer Services.

10 Q. Ms. Strassner, could you please identify the  
11 document that I just handed you that has been marked  
12 as Met Ed Exhibit RS-1.

13 (Met Ed Exhibit RS-1 marked for  
14 identification.)

15 A. Yes. This is an account statement for Mr.  
16 O'Toole's record at 13152 Rennoll Road in Glen Rock.  
17 It provides the billing history from November ---  
18 January 11th of 2001 through the current period of  
19 October 11th, 2004.

20 BY ATTORNEY TOTINO:

21 Q. And did you prepare these exhibit?

22 A. Yes, I did.

23 Q. And are you sponsoring this exhibit for purposes  
24 of today's hearing?

25 A. Yes, I am.

1 Q. Is the information contained in the account  
2 statement part of the company's business records?

3 A. Yes, it is.

4 Q. Is this a residential account?

5 A. Yes, it is.

6 Q. And when was electrical service first initiated at  
7 Mr. O'Toole's account?

8 A. Mr. O'Toole became the customer on May 10th, 1996.

9 Q. And Mr. O'Toole is currently a customer of Met Ed?

10 A. Yes.

11 Q. Now, can you briefly describe how the account  
12 statement is set up?

13 A. Yes. Reading left to right, we have the first  
14 column is the meter reading date, then we have the  
15 number of days in the billing period, what the meter  
16 reading index, what that was, whether the reading was  
17 an actual or an estimate, the total number of kilowatt  
18 hours used, average daily kilowatt hours consumption,  
19 the bill amount, the due date of the bill, any late  
20 payments charges that may have been applied, payment  
21 date, the amount paid and the balance due, the balance  
22 outstanding.

23 Q. Now, based on your review of this account  
24 statement, how would you characterize Mr. O'Toole's  
25 payment history?

1 A. In the last 26 months Mr. O'Toole has made only  
2 three payments, so the payment history is poor.

3 Q. And when were those payments?

4 A. There was a payment made on February the 11th,  
5 2003 in the amount of \$500. Another payment on August  
6 7th, 2003 in the amount of \$301. And the last payment  
7 we received was on April 16th, 2004 in the amount of  
8 \$665.

9 Q. And that was nearly almost nine months ago?

10 A. That is correct.

11 Q. And have there been any bills or payments rendered  
12 after this account statement was prepared?

13 A. No.

14 Q. And what is the amount currently due and owing on  
15 this account?

16 A. The balance right now is \$1,309.06.

17 Q. And Ms. Strassner, are there any payment  
18 arrangements or agreements in place with respect to  
19 the Complainant's account?

20 A. Yes, there is.

21 Q. And if you could, could you please identify the  
22 document that I've just handed you, which has been  
23 marked as Met Ed Exhibit RS-2?

24 (Met Ed Exhibit RS-2 marked for  
25 identification.)

1 A. This is a copy of a the Bureau of Consumer  
2 Services decision dated April 7, 2003.

3 BY ATTORNEY TOTINO:

4 Q. And what is the BCS case number?

5 A. The case number is 1331170.

6 Q. And is this the most recent payment arrangement  
7 for this account?

8 A. Yes, it is.

9 Q. And where on the exhibit are the payment terms?

10 A. At the bottom of this exhibit under the --- in  
11 paragraph or section entitled, resolution. It states  
12 that --- directs Mr. O'Toole to begin paying current  
13 bills plus an additional \$15 per month towards the  
14 arrears beginning in May 2003.

15 Q. And has Mr. O'Toole made payments in accordance  
16 with this most recent BCS decision?

17 A. No, he has not.

18 Q. And based on your review of the account statement,  
19 how would you characterize his payment history since  
20 the issuance of this BCS decision?

21 A. Since this decision was issued he has made two  
22 payments, the August 7th, 2003 payment of \$301 and the  
23 April 16th, 2004 payment of \$665.

24 Q. And what's the catch-up amount or the amount Mr.  
25 O'Toole owes that is not paid pursuant to the issuance

1 of the BCS decision?

2 A. \$752.02.

3 Q. And how did you calculate this amount?

4 A. This was calculated by totaling the consumption  
5 bills only since all the bills, consumption bills that  
6 were rendered since this decision was issued less the  
7 payments that were made since the decision was issued.

8 Q. So am I correct that the catch up amount does not  
9 include that \$15 amount that was directed to be paid  
10 towards the arrearages?

11 A. That's correct.

12 Q. Now, in addition to the formal complaint that's  
13 the subject of this hearing today, has Mr. O'Toole  
14 filed any prior informal complaints against Met Ed?

15 A. Yes, he has.

16 Q. And if you could, could you please identify the  
17 document that I've just handed you that will be marked  
18 as Met Ed Exhibit RS-3?

19 (Met Ed Exhibit RS-3 marked for  
20 identification.)

21 A. Yes. This is a hierarchy of the informal  
22 complaint filed through the Commission's Bureau of  
23 Consumer Services.

24 BY ATTORNEY TOTINO:

25 Q. And are you offering this exhibit for purposes of

1 today's hearing?

2 A. Yes, I am.

3 Q. And is the information contained in this exhibit  
4 part of the company's business records?

5 A. Yes, it is.

6 Q. Now, if you could, starting on the most far recent  
7 in time, please describe the subject of each of his  
8 complaints.

9 A. On November 13th, 2001, Mr. O'Toole filed a high  
10 bill complaint under BCS case number 1050598. Then on  
11 November 7th, 2002, under BCS case number 1273981, Mr.  
12 O'Toole filed an informal complaint regarding  
13 momentary power outages and service upgrade. Then  
14 March 6, 2003, which is the subject of this formal  
15 complaint, he had filed an informal under case number  
16 1331170. This complaint dealt with a high bill and  
17 inadequate service.

18 Q. And what was the outcome of these three informal  
19 complaints?

20 A. The November 13th, 2001 complaint was closed  
21 verbally by the Bureau of Consumer Services on  
22 February 12th, 2002. They found that the meter at the  
23 home had been tested and were found to be accurate and  
24 that based on the appliance inventory provided by Mr.  
25 O'Toole to Met Ed that he did have the potential to

1 use the kilowatt hours for which he was billed.

2       The November 7th, 2002 complaint was also closed  
3 verbally by the Bureau of Consumer Services on  
4 November 20th, 2002. In that case the BCS determined  
5 that there were no service complaints from any other  
6 customers on Mr. O'Toole's line and that the company's  
7 side of the service and facilities were found to be  
8 adequate and at that time Mr. O'Toole had been advised  
9 of the requirements for the service upgrade.

10       This last informal complaint that was filed on  
11 March 6th, 2003, was dismissed by the Bureau of  
12 Consumer Services. They found again that the meter  
13 tested accurately and within PUC guidelines and that  
14 based on the appliances found at the property during  
15 an on-site visit that Mr. O'Toole had the potential to  
16 use the kilowatt hours for which he was billed. This  
17 decision, again, included payment terms for Mr.  
18 O'Toole to pay current bill plus \$15 a month beginning  
19 in May of 2003.

20 Q. Now, I take it in your current position you are  
21 familiar with the customer service aspect of the  
22 company's relationship with its customers?

23 A. Yes, I am.

24 Q. And if you could, please tell us what, if  
25 anything, Met Ed instructs and trains its customers

1 service representatives to do in terms of how it is to  
2 handle customer complaints?

3 A. They are trained to be courteous and responsive  
4 and not to hang up on customers.

5 Q. Now, in summary, could you briefly summarize the  
6 primary conclusions of your testimony today?

7 A. Based on these exhibits and the informal decisions  
8 with the Bureau of Consumer Services, it is that Mr.  
9 O'Toole again has the potential to use the kilowatt  
10 hours for which he was billed. He was billed in  
11 accordance with PJC regulations and the company's  
12 policies.

13 Q. Anything further to add in your testimony today?

14 A. No.

15 ATTORNEY TOTINO:

16 Thank you, Ms. Strassner. Ms. Strassner  
17 is available for Cross.

18 JUDGE JONES:

19 Mr. O'Toole?

20 MR. O'TOOLE:

21 Yeah.

22 CROSS EXAMINATION

23 BY MR. O'TOOLE:

24 Q. What was given to me here is two pages and it  
25 seems to be incomplete. Why?

1                   JUDGE JONES:

2                   Mr. O'Toole, when you are referencing  
3 paper, because we have gone through ---

4                   MR. O'TOOLE:

5                   The account statement.

6                   JUDGE JONES:

7                   --- being able to mark them ---

8                   MR. O'TOOLE:

9                   Okay. The account statement.

10                  JUDGE JONES:

11                  --- why don't you refer to them as the  
12 exhibits marked.

13                  MR. O'TOOLE:

14                  Exhibit RS-1.

15                  JUDGE JONES:

16                  Correct. And then you can then describe  
17 it as two pages and it appears to you to be  
18 incomplete, but you need to state why it appears to  
19 you to be incomplete.

20                  MR. O'TOOLE:

21                  No. I'm asking why is it incomplete.

22                  JUDGE JONES:

23                  Okay. It appears to you to be  
24 incomplete.

25                  MR. O'TOOLE:

1 Un huh (yes).

2 JUDGE JONES:

3 And then you're asking why?

4 MR. O'TOOLE:

5 Uh-huh (yes).

6 JUDGE JONES:

7 Ms. Strassner?

8 A. I'm not sure I understand the question.

9 JUDGE JONES:

10 Mr. O'Tcole, I would suggest to you ---.

11 MR. O'TOOLE:

12 Well, I have here --- it is here.

13 JUDGE JONES:

14 Wait. I would suggest to you, you know  
15 why you think it's incomplete. Ms. Strassner has no  
16 idea why you think it's incomplete. So I think you  
17 need to explain why you think it's incomplete and then  
18 she can address that.

19 BY MR. O'TCOLE:

20 Q. I have four pages here that were given to me and  
21 you only gave me two.

22 JUDGE JONES:

23 Mr. O'Toole, as I stated earlier, when  
24 you're referring to documentation that we have gone  
25 through the procedure of marking them ---.

1           MR. O'TOOLE:

2           Yeah. Well, mine isn't marked.

3           JUDGE JONES:

4           When you say you have four pages here, we  
5 don't know what you're talking about. If you would  
6 like to admit it.

7           MR. O'TOOLE:

8           I don't have copies. And if I do that  
9 then I don't have it to go over.

10          ATTORNEY TOTINO:

11          Your Honor, I think I understand what  
12 he's asking, if I may clarify. I think what he's  
13 asking is why we picked --- just start dated the  
14 account of January of 2001 as ---.

15          MR. O'TOOLE:

16          No. As I've said, you submitted to me  
17 four pages. You just gave me an exhibit of two pages.  
18 I don't know what the discrepancy is, but there is  
19 obviously something.

20          ATTORNEY TOTINO:

21          Well, Your Honor, I think if Ms.  
22 Strassner answered the question why we picked January  
23 1st to initiate the date of the account for the  
24 exhibit, that may answer Mr. O'Toole's question.

25          JUDGE JONES:

1                   Mr. Totino, I appreciate you trying to  
2 help the Court, because I am not understanding what  
3 Mr. O'Toole is getting at. But Ms. Strassner, you are  
4 free to explain as Mr. Totino has suggested, why the  
5 company decided to use the start date of January of  
6 2001 in your Exhibit RS-1.

7 A. Generally for these hearings we provide two years  
8 worth of history and we did make an effort to at least  
9 provide close to four years worth of history.

10 BY MR. O'TOOLE:

11 Q. Wouldn't you say that by providing only this  
12 abridged RS-1 you have denied the Court the  
13 opportunity to see my original billing?

14 ATTORNEY TOTINO:

15 Objection.

16 MR. O'TOOLE:

17 Original billing I asked.

18 A. Again, typically ---.

19 JUDGE JONES:

20 Wait a minute. Wait a minute. There's  
21 an objection. I don't know what the grounds are.

22 ATTORNEY TOTINO:

23 Clarification. So our witness can  
24 understand the question.

25 JUDGE JONES:

1 Ms. Strassner was attempting to answer,  
2 so I think --- she didn't say she didn't understand,  
3 so I think she doesn't need your assistance.

4 A. Okay. Again, typically this is what we provide.  
5 We provide two years worth of history in this  
6 environment and we did attempt to provide close to  
7 four years of history just to be able to demonstrate  
8 our position of Mr. O'Toole's potential for use.

9 JUDGE JONES:

10 Okay.

11 BY MR. O'TOOLE:

12 Q. I can't ask this question, because it's not here.  
13 But my billing and what I've received shows a very low  
14 bill, but the only portion that you gave me would  
15 misguide the Court into thinking that my bills had  
16 always been high.

17 JUDGE JONES:

18 Mr. O'Toole ---.

19 ATTORNEY TOTINO:

20 Objection.

21 JUDGE JONES:

22 I do not have access to whatever document  
23 you're comparing to. I have access to this RS-1. It  
24 appears that you may have an objection to ---

25 MR. O'TOOLE:

1 I have an objection.

2 JUDGE JONES:

3 --- to Exhibit RS-1. If that is the  
4 case, lodge your objection on what grounds and we will  
5 decipher between --- interplay between myself, counsel  
6 and yourself whether your objection should be  
7 abstained or overruled --- or I'm sorry, sustained or  
8 overruled.

9 MR. O'TOOLE:

10 I object on the grounds that the Exhibit  
11 RS-1 is definitely misleading as to information  
12 supplied by Met Ed to me previously.

13 JUDGE JONES:

14 Do you have a response to that, Mr.  
15 Totino?

16 ATTORNEY TOTINO:

17 I do, Your Honor. It's not misleading.  
18 It's a account history, an accurate account history  
19 almost four years back, that its typical practice is  
20 to only provide two years which is, you know, we went  
21 above and beyond that here in providing almost four  
22 years.

23 MR. O'TOOLE:

24 I still object because typical doesn't  
25 yield the information that I have contended in my

1 testimony.

2 JUDGE JONES:

3 Mr. O'Toole, do you have any evidence to  
4 show that document RS-1 is inaccurate in depicting the  
5 last four years of your account?

6 MR. O'TOOLE:

7 Yes, I do.

8 JUDGE JONES:

9 What particular service dates are  
10 inaccurate, Mr. O'Toole?

11 MR. O'TCOLE:

12 What was that?

13 JUDGE JONES:

14 Going through the Exhibit RS-1 ---

15 MR. O'TOOLE:

16 Okay.

17 JUDGE JONES:

18 --- by service date, I believe the  
19 service dates are about a month, what particular  
20 service dates or corresponding data tied to those  
21 service dates are inaccurate?

22 MR. O'TOOLE:

23 They don't show the complete picture.

24 JUDGE JONES:

25 That's not what I'm asking you, sir. I'm

1 asking you, looking at RS-1 ---.

2 MR. O'TOOLE:

3 My objection is that they are trying to  
4 skew results.

5 JUDGE JONES:

6 Okay. So your objection is this is not  
7 an accurate depiction. You want them to go further  
8 back?

9 MR. O'TOOLE:

10 I think that it behooves them to provide  
11 the Court with an exhibit equal to that that they gave  
12 to me.

13 JUDGE JONES:

14 Mr. O'Toole, are you saying you want a  
15 complete history since ---

16 MR. O'TOOLE:

17 Yes.

18 JUDGE JONES:

19 --- you have been a ratepayer to Met Ed  
20 from the time you were a ratepayer to the present?

21 MR. O'TOOLE:

22 That's right.

23 JUDGE JONES:

24 And Mr. Totino, your response to that  
25 objection?

1                   ATTORNEY TOTINO:

2                   Number one, for discovery purposes we  
3 went as far back as we could in providing his account  
4 information.

5                   MR. O'TOOLE:

6                   Objection.

7                   JUDGE JONES:

8                   He's allowed to respond.

9                   ATTORNEY TOTINO:

10                  We went as far back as we could, which I  
11 believe was 1999 or 1998. But we're not under the  
12 same requirements in presenting our case, so therefore  
13 we decided to get almost a four year account period,  
14 which was more than adequate for purposes of this  
15 hearing.

16                  JUDGE JONES:

17                  What policy or regulation are you citing  
18 that you're not responsible to go back further than  
19 two years?

20                  ATTORNEY TOTINO:

21                  That's our company practice.

22                  JUDGE JONES:

23                  That's a company practice?

24                  ATTORNEY TOTINO:

25                  Yes.

1                   JUDGE JONES:

2                   That's not a Commission regulation? That  
3 is not ---?

4                   ATTORNEY TOTINO:

5                   Well, the closest thing to a Commission  
6 regulation would be the Commission's record retention  
7 regulations, which I believe require payment  
8 information for four years.

9                   JUDGE JONES:

10                   And you can give me a cite to that  
11 regulation?

12                   ATTORNEY TOTINO:

13                   Not right at the moment. I believe it's  
14 in Chapter 57.

15 COUNSEL REVIEWS DOCUMENTS

16                   ATTORNEY TOTINO:

17                   The proper cite is 52 Pa.C. 57.45.

18                   JUDGE JONES:

19                   Preservation of records?

20                   ATTORNEY TOTINO:

21                   Correct.

22                   JUDGE JONES:

23                   I am looking at 15(b), original bills and  
24 invoices. Are you giving me a different section than  
25 that?

1                    ATTORNEY TOTINO:

2                    I think it may be in ---. Yes. I think  
3 it may be --- I think the standard is in the NARUC  
4 guidelines, which is this section I'm using. I think  
5 what the regulations require is that the utilities  
6 follow the NARUC guidelines with the limited  
7 exceptions here.

8                    JUDGE JONES:

9                    So you're stating that they're actually  
10 in NARUC and then think that all this is not  
11 applicable, the NARUC is applicable?

12                   ATTORNEY TOTINO:

13                   Correct.

14                   JUDGE JONES:

15                   Do you have a citation to the NARUC  
16 guidelines?

17                   ATTORNEY TOTINO:

18                   No, I don't. I guess, and it's my belief  
19 it still is that what is here is still accurate.

20                   JUDGE JONES:

21                   I agree with you, Mr. Totino, but I also  
22 have some concern as far as it being objective and a  
23 fair depiction of Mr. O'Toole's payment history. And  
24 I hear you as far as it being burdened on the company  
25 to have retained history until --- and instrumental.

1 On the other hand I am also sympathetic to Mr.  
2 O'Toole's objection that four years is not an accurate  
3 characterization of what he has done with the company.  
4 You did state in this exchange that you provided  
5 information back through '99?

6 ATTORNEY TOTINO:

7 Correct.

8 JUDGE JONES:

9 What I am inclined to do is to have you  
10 amend this exhibit with the information --- additional  
11 information back to '99 and then we will have that  
12 into the record.

13 ATTORNEY TOTINO:

14 Okay. I would just like to state for the  
15 record that the longer account statement was handed  
16 over to Mr. O'Toole. And if he has that document to  
17 submit ---.

18 JUDGE JONES:

19 I do not believe he is disputing the  
20 accuracy. I do believe he is disputing the purposes  
21 behind this exhibit.

22 ATTORNEY TOTINO:

23 Okay.

24 JUDGE JONES:

25 I am not coercing the company to supply

1 the exhibit back through to his initial start date,  
2 but I believe you have already provided information  
3 through '99.

4 ATTORNEY TOTINO:

5 Correct.

6 JUDGE JONES:

7 So I believe that the company can supply  
8 that information.

9 ATTORNEY TOTINO:

10 Yes.

11 MR. O'TOOLE:

12 Excuse me, Your Honor. '97 is in here.

13 ATTORNEY TOTINO:

14 Mr. O'Toole, in light of the fact that  
15 you have not provided the exhibit to ---.

16 MR. O'TOOLE:

17 Can copies be made?

18 JUDGE JONES:

19 In light of the fact that you also did  
20 not provide the company with any warning that you  
21 would be providing that exhibit here in the hearing,  
22 in light of the fact that you have had your Direct  
23 testimony and did not refer to any of the exhibits  
24 that the company provided, I am somewhat reluctant to  
25 ask the Court to provide copies for an exhibit that

1 you had, but you decided until now to enter.

2 MR. O'TOOLE:

3 I decided now because they abridged  
4 theirs and they even abridged the second page of this  
5 exhibit RS-1 from what was supplied.

6 JUDGE JONES:

7 Mr. O'Toole, I believe I had met you with  
8 that objection by asking the company to amend the  
9 exhibit. I have ruled. We are going back to '99.  
10 Mr. Totino, you will make sure that I get that amended  
11 exhibit. We're moving on. Do you have any further  
12 Cross for Ms. Strassner, Mr. O'Toole?

13 MR. O'TOOLE:

14 They claim that they could only get  
15 information back so far, yet they've even abridged  
16 page two and provided, which I did not have an  
17 opportunity to peruse. I only saw this in there and  
18 realized it was four pages where after they gave me  
19 this two pages.

20 JUDGE JONES:

21 Mr. O'Toole, I believe you're responding  
22 to something that I've already ruled on.

23 MR. O'TOOLE:

24 I believe common sense has to prevail,  
25 but that hasn't prevailed yet.

1                   JUDGE JONES:

2                   Do you have any further questions for  
3 this witness?

4                   MR. O'TOOLE:

5                   Oh, yes.

6                   JUDGE JONES:

7                   Please ask them, sir.

8 BY MR. O'TOOLE:

9 Q.   Why wasn't I given this information previously  
10 when I've asked for it over the years?

11                   JUDGE JONES:

12                   Mr. O'Toole, we have been through that as  
13 well.

14                   MR. O'TOOLE:

15                   No. You've gone over just this one. I'm  
16 talking about over the years.

17                   JUDGE JONES:

18                   No. No. We have been through that as  
19 well.

20 BY MR. O'TOOLE:

21 Q.   What should be on your records as to the reason  
22 why my payments recently have been sparse?

23                   ATTORNEY TOTINO:

24                   Objection. That calls for speculation.

25                   JUDGE JONES:

1 Sustained.

2 MR. O'TOOLE:

3 She was speaking about sparse payments  
4 and I gave reason to Met Ed and I believe it was to  
5 her why I was going to curtail payments.

6 JUDGE JONES:

7 Mr. O'Toole, I believe that was in your  
8 testimony.

9 MR. O'TOOLE:

10 Yes. But she brought it up that they  
11 were sparse.

12 JUDGE JONES:

13 She cannot testify to what was in your  
14 mind.

15 MR. O'TOOLE:

16 And I'm asking her what reason I gave  
17 them as to why.

18 JUDGE JONES:

19 Mr. O'Toole, I believe you already stated  
20 in your testimony why.

21 MR. O'TOOLE:

22 Yes, but I gave it to them. Now I'm  
23 asking her to give it back to me and she isn't doing  
24 it. Because that will collaborate or correlate my  
25 testimony. That will give credence to my testimony.

1                   JUDGE JONES:

2                   Mr. Totino, do you have an objection to  
3 that question?

4                   ATTORNEY TOTINO:

5                   If the witness knows she can answer it.

6                   JUDGE JONES:

7                   Ms. Strassner?

8 A.    I'm testifying from company records. I don't have  
9 any knowledge of ever speaking directly with Mr.  
10 O'Toole. Again, my involvement was with the Bureau of  
11 Consumer Services and I am giving a payment history  
12 that appears on this document.

13 BY MR. O'TOOLE:

14 Q.    Prior to when my payments became sparse, how were  
15 my payments?

16 A.    If I look at page two of the document, I would  
17 have to say that they were more consistent, but  
18 certainly there were still some gaps in your payments  
19 during the year 2001, when I look at the document,  
20 page two of the document.

21 Q.    My testimony went back to 1996 and this is where I  
22 stated that the bills were less than half.

23                   JUDGE JONES:

24                   Mr. O'Toole, the purpose of your Cross is  
25 to ask questions of this witness, not to buttress your

1 own testimony by making statements.

2 MR. O'TOOLE:

3 She is modifying it ---.

4 JUDGE JONES:

5 If you have another question for this  
6 witness, please ask it.

7 BY MR. O'TOOLE:

8 Q. I did not agree to any plan nor did I receive  
9 anything telling me about a plan, notifying me of a  
10 plan being decided. How come all a sudden I started  
11 noticing fees on the bill?

12 A. The installment plan or payment arrangement that  
13 appeared on the bill was added to your account based  
14 on the BCS decision which is identified as Exhibit RS-  
15 2. And I believe you would have received from the  
16 Bureau of Consumer Services a copy of a decision that  
17 would also outline those payment terms.

18 Q. I did not receive this. And in here ---.

19 JUDGE JONES:

20 Mr. O'Toole, let me caution you again.

21 MR. O'TOOLE:

22 But I didn't receive it and she says I  
23 did.

24 JUDGE JONES:

25 You are to be asking questions of this

1 witness.

2 MR. O'TOOLE:

3 All right.

4 BY MR. O'TOOLE:

5 Q. Why did I not receive this?

6 A. I believe I said that you would have received a  
7 decision from the Bureau of Consumer Services. It may  
8 not have been in this exact format.

9 Q. I did not receive any ----.

10 ATTORNEY TOTINO:

11 Objection, move to strike.

12 MR. O'TOOLE:

13 I have to respond that way, because I  
14 didn't receive it.

15 JUDGE JONES:

16 Mr. O'Toole ---.

17 MR. O'TOOLE:

18 Okay. Secondly, this is not me.

19 JUDGE JONES:

20 Mr. O'Toole, I do note that you have, in  
21 fact, been responsive that you have not received this  
22 document nor that you haven't received a BCS decision.  
23 If you have an objection to the exhibit for its  
24 accuracy, which it sounds like you do because you're  
25 stating this is not you, then I will beseech you to

1 lodge that objection.

2 MR. O'TOOLE:

3 I object.

4 JUDGE JONES:

5 On what grounds?

6 MR. O'TOOLE:

7 The person's last name is not me. My  
8 legal name is not that O-T-O-O-L-E.

9 JUDGE JONES:

10 Okay. Mr. Totino?

11 MR. O'TOOLE:

12 And therefore should be taken out.

13 ATTORNEY TOTINO:

14 This is the closing date of the report  
15 that the company receives from the Commission's BCS  
16 regarding informal complaints. And based on the  
17 address and all the information in this document, we  
18 believe this is Mr. O'Toole.

19 JUDGE JONES:

20 Mr. O'Toole, I did notice that the  
21 spelling of your name, your last name was incorrect.  
22 I also noticed that the account number was incorrect.  
23 However, I did notice that the address was correct.  
24 And I also noticed that the information contained as  
25 far as the total balance does seem to correspond to

1 the date that it's given. I believe it's April 2003  
2 on the Exhibit that's marked RS-1.

3 So based on my observations, while I do  
4 notice that there is incorrect spelling and the  
5 account number is incorrect, I am inclined to believe  
6 that this is an authentic representation and accurate  
7 representation by BCS of your account and it is lodged  
8 to you, sir. Your objection is overruled.

9 MR. O'TOOLE:

10 Strike two.

11 BY MR. O'TOOLE:

12 Q. Haven't I asked for actual bills numerous times of  
13 Met Ed and been ignored, because I have not received  
14 them?

15 A. I cannot answer that.

16 JUDGE JONES:

17 Mr. O'Toole, let me say this to you. I  
18 do believe that the company is planning to present  
19 more witnesses. It's possible that because Ms.  
20 Strassner has limited experience within the company of  
21 compliance and liaison with BCS that she may not be  
22 the appropriate person to answer that question.  
23 However, there may be another person coming that would  
24 be appropriate.

25 ATTORNEY TOTINO:

1                   Actually I think this witness is best  
2 suited to talk about issues with respect to BCS.

3                   JUDGE JONES:

4                   Okay. Thank you, Mr. Totino. Mr.  
5 O'Toole, I cannot coerce Ms. Strassner to answer  
6 something that she has no knowledge of.

7                   MR. O'TOOLE:

8                   Okay.

9 BY MR. O'TOOLE:

10 Q. Who controls the power supply to my home?

11 A. That is not my area of expertise.

12                   ATTORNEY TOTINO:

13                   Well, I have to object. That's beyond  
14 the scope of her testimony as well.

15                   JUDGE JONES:

16                   Yes.

17                   MR. O'TOOLE:

18                   Well, she talked about the power supply.

19                   JUDGE JONES:

20                   Mr. O'Toole, that's beyond the scope of  
21 her expertise as far as an employee of Met Ed.

22                   MR. O'TOOLE:

23                   I'm going to be very nasty now.

24                   JUDGE JONES:

25                   Well, thank you for the warning.

1 BY MR. O'TOOLE:

2 Q. You have the potential for a child every minimum  
3 for nine months. Why don't you have them?

4 ATTORNEY TOTINO:

5 Your Honor ---.

6 BY MR. O'TOOLE:

7 Q. I have been told I have the potential for all of  
8 this and therefore I apparently have used it. I have  
9 now asked --- stated the same word, potential.

10 JUDGE JONES:

11 Mr. O'Toole, that's beyond the scope of  
12 the testimony of this witness. I will also state that  
13 that is offensive as a woman.

14 MR. O'TCOLE:

15 It's offensive to tell me that I have the  
16 potential to use electricity, therefore I have used  
17 it. This was part of my testimony.

18 JUDGE JONES:

19 Mr. O'Toole, this witness will not answer  
20 that question.

21 MR. O'TCOLE:

22 It's rhetorical anyway.

23 BY MR. O'TCOLE:

24 Q. You stated that no one else on my line has had  
25 ccplaints. How many other people are on my line?

1 A. I don't have that information available today and  
2 maybe later ---.

3 ATTORNEY TOTINO:

4 Your Honor, that information will be  
5 available through another witness.

6 JUDGE JONES:

7 Mr. O'Toole, I didn't recall Ms.  
8 Strassner actually stating that, so I was  
9 surprised ---.

10 MR. O'TCOLE:

11 Well, she did say that.

12 JUDGE JONES:

13 Mr. O'Toole, Mr. Totino has represented  
14 that another witness will be the appropriate witness  
15 to ask that question, not Ms. Strassner.

16 MR. O'TOOLE:

17 She made the statement that no one  
18 else --- I have it here, no one else on my line had  
19 complaints.

20 JUDGE JONES:

21 Mr. O'Toole, another witness will be  
22 forthcoming that's more appropriate to ask your  
23 question. Hold the question until that witness  
24 becomes available.

25 BY MR. O'TOOLE:

1 Q. Do you have a written notification of all of the  
2 payment plans that was sent to me?

3 A. I'm not sure I understand. But again, what we  
4 did, Mr. O'Toole, was add a payment agreement or  
5 installment plan to your account based on the decision  
6 that we received from the Bureau of Consumer Services.  
7 And that plan would apply or appear on your bill.

8 Q. Do you have written notice of that from them with  
9 you right now?

10 A. This document, Exhibit Number RS-2.

11 Q. That doesn't state that you have the written  
12 authority to do it.

13 MR. O'TOOLE:

14 I object to the --- to that document  
15 being admitted.

16 JUDGE JONES:

17 Mr. O'Toole, you have objected to this  
18 document before. I'm not sure you're objecting on the  
19 same grounds. So I'm going ---.

20 MR. O'TOOLE:

21 I'm objecting on different grounds, the  
22 grounds that there's nothing to back up that document.

23 JUDGE JONES:

24 Mr. O'Toole, contrary to your knowledge I  
25 am an employee of the Commission and aware of the type

1 of documents that come out of different bureaus. This  
2 appears to me to be the type of document that would  
3 come out of the Bureau of Consumer Services. I am  
4 taking judicial notice that this looks like a document  
5 that BCS would issue. As I've stated in my earlier  
6 response to your motion, I believe it is attributed to  
7 you that it's accurate looking at the account  
8 statement of the company. So again, Mr. O'Toole, I  
9 overrule your objection.

10 BY MR. O'TOOLE:

11 Q. Why is there no record of my complaint of a broken  
12 meter? You said the meters were always checked and  
13 accurate and/or functioning. And I documented that  
14 there was a broken meter. Why is that not in there?

15 ATTORNEY TOTINO:

16 I think just one clarification would help  
17 in terms of when you made that complaint.

18 JUDGE JONES:

19 Mr. O'Toole ---.

20 MR. O'TOOLE:

21 I said the meters were bad all along and  
22 then I stated for almost a year and that's a recent  
23 year that it was broken and I was informed that it  
24 wasn't. And then it was documented that it was, but  
25 there's no mention here of that. It was that all ---

1 every time the meter was functioning properly.

2 ATTORNEY TOTINO:

3 Your Honor, we do have a witness that  
4 will address meter issues.

5 JUDGE JONES:

6 Thank you, Mr. Totino. Mr. O'Toole, it  
7 appears that Ms. Strassner has put together, compiled  
8 a list of previous complaints that you had with BCS  
9 encompassing meter accuracy. And what she did was she  
10 particularly summarized findings and outcomes of those  
11 complaints. And that was the extent to her knowledge  
12 of the meter testing. Mr. Totino has advised us in  
13 this hearing that there will be another witness that  
14 will address more extensively the metering.

15 ATTORNEY TOTINO:

16 Correct.

17 JUDGE JONES:

18 So I believe that beyond the complaints  
19 that you have lodged as well as the outcome of the  
20 complaints, Ms. Strassner is not able to answer any  
21 questions in reference to your meter.

22 MR. O'TOOLE:

23 Ms. Strassner used in her testimony this  
24 information and I wish to find out where, otherwise I  
25 object to its use.

1                   JUDGE JONES:

2                   Mr. O'Toole, if I can direct your  
3 attention to RS-3, the exhibit that has been marked,  
4 Ms. Strassner testified in reference to the metering  
5 based on this exhibit as far as the outcome and  
6 finding of BCS on your complaint that it's most recent  
7 as well as two others that were in the past. I  
8 believe that is what the extent of her testimony is on  
9 metering.

10                   MR. O'TCOLE:

11                   Then why was I not notified by Ms.  
12 Strassner or her office that these things had  
13 occurred, because I have not heard of any of them.  
14 That's my objection.

15                   JUDGE JONES:

16                   Mr. O'Toole ---.

17                   MR. O'TOOLE:

18                   They are providing information that I was  
19 never aware even existed.

20                   JUDGE JONES:

21                   Mr. O'Toole, I believe that Mr. Totino  
22 has provided this hearing with information that  
23 another witness will be coming --- forthcoming to  
24 further explain the company's position on your  
25 metering.

1                   MR. O'TOOLE:

2                   But this witness made a statement,  
3 therefore I should have the right to ask this witness  
4 to document her statement, otherwise delete it.

5                   JUDGE JONES:

6                   Mr. O'Toole, your objection is that this  
7 Exhibit RS-3 is inaccurate. I'm overruling that  
8 objection. If you have any other objection please  
9 lodge it now.

10                  MR. O'TOOLE:

11                  I do, but I best wait.

12                  JUDGE JONES:

13                  Do you have anything further for this  
14 witness?

15                  MR. O'TOOLE:

16                  She hasn't answered anything yet. Okay.  
17 No.

18                  JUDGE JONES:

19                  Ms. Strassner, I have a couple of  
20 questions. In interactions with the customer, is  
21 there a place or is there a policy by Met Ed where  
22 they document a summary of what they --- the  
23 conversation that they have with the customer when the  
24 customer calls?

25 A. Yes.

1                   JUDGE JONES:

2                   And is that somehow attached to the  
3 account of the customer?

4 A.    Yes, it is.

5                   JUDGE JONES:

6                   And is there a way that you could look at  
7 that documentation to see the tenure of the  
8 conversation with the customer and the company?

9 A.    Yes.

10                  JUDGE JONES:

11                  Have you done that to prepare for this  
12 hearing?

13 A.    No, Your Honor.

14                  JUDGE JONES:

15                  And this is just to clarify to make sure  
16 that I understand your testimony. Met Ed sought to  
17 implement the resolution of the BCS complaint at case  
18 number 1331170 by billing Mr. O'Toole on a payment  
19 plan; is that correct?

20 A.    That's correct, Your Honor.

21                  JUDGE JONES:

22                  And you implemented that when?

23 A.    Back --- that was implemented in May 2003.

24                  JUDGE JONES:

25                  And you also stated in your testimony

1 that your catch-up amount that you calculated did not  
2 include the \$15 per month towards arrears?

3 A. That's correct, Your Honor.

4 JUDGE JONES:

5 I have no further questions. Mr. Totino,  
6 do you have any further questions of this witness?

7 ATTORNEY TOTINO:

8 No, Your Honor.

9 JUDGE JONES:

10 Ms. Strassner, you are excused.

11 ATTORNEY TOTINO:

12 Your Honor, at this time I would like to  
13 move into evidence Exhibits RS-2 and RS-3.

14 JUDGE JONES:

15 Mr. O'Toole, you have heard the motion of  
16 Mr. Totino. Do you have any objection outside of  
17 those that you have already lodged?

18 MR. O'TOOLE:

19 I have no idea what he said.

20 JUDGE JONES:

21 He would like to make sure that the Court  
22 admits to the record Exhibit RS-3 and Exhibit RS-2.

23 MR. O'TOOLE:

24 I have an objection to RS-2.

25 JUDGE JONES:

1 Is this objection different from those  
2 that have already been lodged earlier?

3 MR. O'TOOLE:

4 It is one that was lodged earlier. It is  
5 not me and it has not been identified by me by account  
6 number.

7 JUDGE JONES:

8 Do you have an objection to RS-3?

9 MR. O'TOOLE:

10 Yes, because I was not notified of  
11 these ---.

12 JUDGE JONES:

13 Different from what you have lodged  
14 earlier?

15 MR. O'TOOLE:

16 That's not ---

17 JUDGE JONES:

18 That's the objection?

19 MR. O'TOOLE:

20 --- that's the complaint. That's the  
21 objection.

22 JUDGE JONES:

23 Okay. I am admitting RS-2 and RS-3 into  
24 the record.

25 ATTORNEY TOTINO:

1 Your Honor, just for clarification on  
2 RS-1, when would you like that amended statement by?

3 JUDGE JONES:

4 It appears that the company already has  
5 that information. I would leave the record open for  
6 close of business the 27th. If you could fax that to  
7 me and then have it followed by a hard copy in first-  
8 class mail or overnight.

9 ATTORNEY TOTINO:

10 Actually we can hand deliver it tomorrow.

11 JUDGE JONES:

12 That's fine.

13 ATTORNEY TCTINO:

14 So then I guess --- I didn't know if I  
15 should make a motion to ---.

16 JUDGE JONES:

17 When you amend RS-1, I will then rule  
18 whether I'm admitting it into the record as of that  
19 date.

20 ATTORNEY TOTINO:

21 Okay. Thank you.

22 MR. O'TOOLE:

23 And I would like to make a motion that it  
24 extend to 1996, because that's where I am --- in my  
25 testimony I based my original ---.

1                   JUDGE JONES:

2                   Mr. O'Toole, I have to cut you off here.  
3 I've already ruled on that objection. Mr. Totino, do  
4 you have further witnesses?

5                   ATTORNEY TOTINO:

6                   I do, Your Honor. We call Albert Gordon.

7                   JUDGE JONES:

8                   Mr. Gordon, would you raise your right  
9 hand?

10 -----  
11 ALBERT GORDON, HAVING FIRST BEEN DULY SWORN, TESTIFIED  
12 AS FOLLOWS:

13 -----  
14                   JUDGE JONES:

15                   You may be seated.

16 A. Thank you.

17                   JUDGE JONES:

18                   Mr. Totino, you may proceed.

19                   ATTORNEY TOTINO:

20                   Thank you.

21 DIRECT EXAMINATION

22 BY ATTORNEY TOTINO:

23 Q. If you could, please state your name and business  
24 address for the record and spell your last name,  
25 please?

1 A. Okay. My name's Albert Gordon, G-O-R-D-O-N. The  
2 business address is 2800 Pottsville Pike in Reading.

3 Q. By whom are you employed and in what capacity?

4 A. Met Ed as a manager of meter reading.

5 Q. And what are your responsibilities and duties as a  
6 meter reading manager?

7 A. I manage the meter reading process for Met Ed.

8 Q. And how long have you been in your current  
9 position?

10 A. About three and a half years.

11 Q. And how long have you been with the company?

12 A. I've been with the company 20 years.

13 Q. And what other positions, if any relating to meter  
14 reading, have you held with Met Ed or one of the  
15 affiliate companies prior to becoming a manager of  
16 meter reading?

17 A. I was a meter reader ever since I trained in meter  
18 reading.

19 Q. And Mr. Gordon, what is the purpose of your  
20 testimony today?

21 A. To answer any questions on the meter reading.

22 Q. Could you just explain generally what an electric  
23 meter is and how it works?

24 A. An electric meter measures the amount of  
25 electricity going into a customer's home.

1 Q. And what role, if any, does the meter play in  
2 calculating the customer's bill?

3 A. We take the index off the meter to determine the  
4 exact amount of the bill.

5 Q. And concerning the meter operations, how does Met  
6 Ed retrieve the usage information that registers on  
7 the meter?

8 A. We send out meter readers to get that information  
9 off the meter.

10 Q. And what is involved with the deployment of a  
11 meter reader to a customer premises to read a meter?  
12 How is it done actually?

13 A. Typically a meter reader goes out to the  
14 customer's house and takes the reading and enters it  
15 into a processor and comes back and downloads it.

16 Q. And is Met Ed required to conduct, I guess, what  
17 would be called an actual meter reading each month?

18 A. No.

19 Q. And under what circumstances is Met Ed not  
20 required to perform an actual meter reading?

21 A. Well, if there's a safety issue out there, if  
22 there's an access issue, we can't get to the meter or  
23 there's a storm or something like that.

24 Q. So you don't do an actual meter reading in a given  
25 month. What type of metering do you then do to take

1 usage information in order to calculate a customer's  
2 bill?

3 A. Well, we'll note it and then it's estimated.

4 Q. And what is that estimate based on?

5 A. Well, I think it looks at usage of previous usage  
6 previous years, last year, last month and comes up  
7 with an average.

8 Q. And what is the company's policy regarding how  
9 often it attempts to obtain an accurate meter read as  
10 opposed to doing an estimated read?

11 A. We generally read the meter every month.

12 Q. Do you know off hand with respect to Mr. O'Toole's  
13 account how many estimated reads had been performed on  
14 his meter for the past almost four years?

15 A. I think I saw it documented somewhere around six.

16 Q. Now, according to the formal complaint and Mr.  
17 O'Toole's testimony here today, Met Ed meter readers  
18 on several occasions have read the meter from their  
19 truck using their binoculars. That's the allegation.  
20 Are you aware of this allegation?

21 A. No, other than today.

22 Q. Other than today. And is it the company's  
23 practice to conduct an actual meter reading in this  
24 manner using the binoculars?

25 A. It's not our practice, no.

1 Q. But is it done on occasion?

2 A. It can be done on occasion.

3 Q. And what would be the reason to do a meter reading  
4 in that fashion?

5 A. If they can't get to the meter and they can see it  
6 from a distance they can use the binoculars to read  
7 it. If you have an access issue or in some cases  
8 there's a dog in the fenced in area, we can see the  
9 meter, it's reasonable to use the binoculars to read  
10 that way.

11 Q. Now, are you aware any company policy or industry  
12 standard that would prohibit the reading of a meter  
13 using binoculars?

14 A. I would not.

15 Q. And overall, based on review --- overall ---  
16 strike that.

17 Overall, based on your experience, were Met Ed  
18 reads of Mr. O'Toole's meter done in an appropriate  
19 manner consistent with the BCS regulations?

20 A. Yes.

21 Q. Now, were you here earlier today for the testimony  
22 of Mr. O'Toole regarding the cutting of a bush near  
23 his meter?

24 A. Yes, I was.

25 Q. And let's say that hypothetically there were an

1 obstruction in front of a customer's meter, an  
2 obstruction such as a tree or a bush, would it be Met  
3 Ed's policy to enter the property and cut down a bush?

4 A. No.

5 Q. What would be the company policy?

6 A. Typically what a meter reader does is report to  
7 the supervisor. They in turn send out a letter asking  
8 to remove whatever's in front of the meter so we can  
9 get access to it. And we would ask the customer to do  
10 whatever is necessary.

11 Q. Mr. Gordon, do you have anything further to add to  
12 your testimony?

13 A. No.

14 ATTORNEY TOTINO:

15 We offer the witness for Cross.

16 JUDGE JONES:

17 Mr. O'Toole?

18 CROSS EXAMINATION

19 BY MR. O'TOOLE:

20 Q. Met Ed has admitted that there's a path behind the  
21 bushes. Why isn't this two-foot wide path used?

22 ATTORNEY TOTINO:

23 Objection. I don't know if that was  
24 established in the record that we admitted to a path.

25 MR. O'TOOLE:

1                   It's in your explanation that was  
2 presented to me by Met Ed and by you.

3                   ATTORNEY TOTINO:

4                   If you could reference the document.

5                   MR. O'TOOLE:

6                   This was previously.

7                   ATTORNEY TOTINO:

8                   Previously when?

9                   JUDGE JONES:

10                  Mr. O'Toole, why don't you rephrase the  
11 question as, there does exist a path behind the  
12 bushes?

13 BY MR. O'TOOLE:

14 Q.   There does exist a two-foot path which Met Ed was  
15 told existed and they verified. Why ---.

16                  JUDGE JONES:

17                  No, no, no, no. Mr. O'Toole, is there a  
18 path behind the bush?

19                  MR. O'TOOLE:

20                  Very definitely.

21                  JUDGE JONES:

22                  Okay. Then you know there's a path. Why  
23 don't you just rephrase the question, there exists a  
24 path?

25 BY MR. O'TOOLE:

1 Q. Why isn't that path used?

2 A. I can't answer that.

3 ATTORNEY TOTINO:

4 I still don't know if it was ever  
5 established in his testimony that there was a path.

6 JUDGE JONES:

7 I did hear him say that there is a path  
8 behind ---.

9 ATTORNEY TOTINO:

10 Okay. My mistake. I'm sorry.

11 JUDGE JONES:

12 But I did not hear him establish that Met  
13 Ed verified that there was a path. I heard him say  
14 that there was a path.

15 Mr. O'Toole, you heard the response of  
16 Mr. Gordon.

17 BY MR. O'TOOLE:

18 Q. You stated when you take estimated bills. How  
19 many --- when are the estimated bills taken? When  
20 were the estimated bills taken on my meter?

21 A. I don't have that in front of me. I don't have  
22 that in front of me.

23 Q. I can't testify on that. You said something about  
24 they don't use binoculars, yet later you said they do.  
25 I was confused.

1                   JUDGE JONES:

2                   Mr. O'Toole, that is not a question.  
3 You're stating your state of mind.

4                   MR. O'TOOLE:

5                   Why did the --- why was it stated that  
6 one time that they don't use binoculars and then  
7 afterwards he described ---.

8                   JUDGE JONES:

9                   So you want him to clarify that?

10                  ATTORNEY TOTINO:

11                  I guess I would object to that  
12 characterization.

13                  JUDGE JONES:

14                  I'll allow him to clarify.

15 A.   Typically we don't use binoculars. That's not a  
16 normal practice. But in extreme cases we will use  
17 binoculars, and I think I gave you some examples of  
18 when we would use binoculars.

19 BY MR. O'TOOLE:

20 Q.   Why would binoculars be used with my property then  
21 on my meter?

22 A.   I'm not sure what the issues are with your  
23 property, but there could be used for a variety of  
24 reasons.

25 Q.   Would it be possible --- would it be feasible to

1 say possible laziness in getting in and out of the  
2 truck?

3 A. I'm sorry?

4 Q. Skip it. Forget it. By what means does the meter  
5 measure electricity used?

6 A. I can't answer that.

7 Q. Huh?

8 A. I couldn't answer that.

9 Q. If the frequency modulation were increased coming  
10 to the meter, what would that do to the meter, the  
11 recordings on the meter?

12 ATTORNEY TOTINO:

13 I would object. That's outside the scope  
14 of Mr. Gordon's expertise.

15 MR. O'TOOLE:

16 He's talked about current coming into the  
17 meter.

18 JUDGE JONES:

19 Mr. Gordon, if you can answer the  
20 question you can proceed. If you can't just say you  
21 do not know.

22 A. I do not know.

23 MR. O'TCOLE:

24 That's all the questions that I have.

25 JUDGE JONES:

1 Mr. Totino, do you have any Redirect?

2 ATTORNEY TOTINO:

3 No, Your Honor.

4 JUDGE JONES:

5 I don't have any questions for you, Mr.  
6 Gordon. You are excused. Mr. Totino, I'm ready for  
7 your next witness.

8 ATTORNEY TOTINO:

9 Okay. We call Wendell Leppo.

10 JUDGE JONES:

11 I'm sorry, Mr. Leppo. Will you raise  
12 your right hand?

13 -----  
14 WENDELL LEPP0, HAVING FIRST BEEN DULY SWORN, TESTIFIED  
15 AS FOLLOWS:  
16 -----

17 JUDGE JONES:

18 You may be seated. Mr. Totino, you may  
19 proceed.

20 ATTORNEY TOTINO:

21 Thank you.

22 DIRECT EXAMINATION

23 BY ATTORNEY TOTINO:

24 Q. Please state your name and business address for  
25 the record and spell your last name.

1 A. Wendell Leppo, 2800 Pottsville Pike, Reading,  
2 Pennsylvania and it's, L-E-P-P-O.

3 Q. And what is your educational background?

4 A. I have a Bachelor's of Science degree in  
5 electrical engineering from MIT.

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

7 A. Met Ed in the corporate meter services department  
8 as an advanced engineer.

9 Q. And what are your responsibilities and duties in  
10 this position?

11 A. I support the meter services, prove --- verify  
12 accuracy on total meter readings and service and  
13 repair.

14 Q. And how long have you been in your current  
15 position?

16 A. Approximately six months.

17 Q. And how long have you been with Met Ed?

18 A. Approximately 31 years.

19 JUDGE JONES:

20 I'm sorry, I didn't hear that.

21 A. Approximately 31 years.

22 JUDGE JONES:

23 Okay. Thank you.

24 BY ATTORNEY TOTINO:

25 Q. And what positions relating to meter services, if

1 any, did you hold with Met Ed prior to becoming  
2 advanced engineer?

3 A. From 1998 to 2004 I was the manager of meter  
4 services, which directed the meter people in the  
5 field, which I've described before. From 1986 to 1998  
6 I was a supervisor of the meter department in the New  
7 York office, which directed the field people to  
8 service and repair and test the meters.

9 Q. And what is the purpose of your testimony here  
10 today?

11 A. I'm to provide testimony to the meter accuracy  
12 concerns that Mr. O'Toole has as well as some services  
13 I made at his property.

14 Q. Mr. Leppo, could you please identify the document  
15 that I've just handed you that's marked as Met Ed  
16 Exhibit WL-1?

17 (Met Ed Exhibit WL-1 marked for  
18 identification.)

19 A. Met Ed Exhibit WL-1 is meter test results for a  
20 kilowatt meter that was installed at Mr. O'Toole's  
21 residence. It was a field test performed on July 5th  
22 of 2001.

23 BY ATTORNEY TOTINO:

24 Q. And are you sponsoring this exhibit for purposes  
25 of today's hearing?

1 A. Yes, I am.

2 Q. And is this document normally maintained by the  
3 company in its records?

4 A. Yes, it is.

5 Q. Now, who tested this meter?

6 A. A field tester from the New York office tested the  
7 meter.

8 Q. A Met Ed ---?

9 A. Met Ed field tester.

10 Q. And who normally tests the meters? Does Met Ed  
11 normally test the meters?

12 A. Met Ed normally tests meters.

13 Q. Is Met Ed required to obtain an independent  
14 company to test its meters?

15 A. No, not at all.

16 Q. And how is the meter tested?

17 A. The field employee would have made a comparison  
18 test using a kilowatt hour standard which he carries  
19 with him and connects it to the meter in the field,  
20 applying full 100 percent full load and ten percent of  
21 the full load and testing for an accuracy and ---.

22 Q. So it would be fair to say that --- just so we're  
23 clear here, that you essentially compare the meter, on  
24 the customer's premises to a meter you know to be  
25 accurate?

1 A. That's correct.

2 Q. And according to these test results, was Mr.  
3 O'Toole's meter functioning properly in accordance to  
4 the Commission's meter guidelines?

5 A. The Commission's guidelines would be plus or minus  
6 two percent of 100 percent and this meter is tested  
7 within that accuracy range.

8 Q. And could you on the exhibit identify where the  
9 test results are located, just so we're all clear?

10 A. In the column towards the center column, results,  
11 partway down there is an amount --- percentages and it  
12 has --- it has eleven percentages. And the light load  
13 series, light load was 100.6 and the full load was  
14 100.7 percent of accuracy. And it adds up to --- the  
15 percentage was 99.5 on the light load and 99.7 on full  
16 load.

17 Q. In laymen's terms, what do these results mean?

18 A. That meter was accurate, found to be accurate at  
19 the time of testing.

20 Q. Now, Mr. Leppo, did Met Ed have the occasion to  
21 conduct any additional high grade tests of this  
22 accuracy test of this meter?

23 A. I believe that there was another occasion when it  
24 was removed.

25 Q. Now, if you could, please identify the document

1 that I've just handed you that we will ask to be  
2 marked as Met Ed Exhibit WL-2.

3 (Met Ed Exhibit WL-2 marked for  
4 identification.)

5 A. That would be the test results for the standard  
6 meter that we removed from Mr. O'Toole's residence.  
7 That meter was shipped back to the central test lab.

8 BY ATTORNEY TOTINO:

9 Q. And when was the meter removed?

10 A. Approximately May 6, 2004.

11 Q. And are you sponsoring this exhibit for purposes  
12 of today's hearing?

13 A. Yes, I am.

14 Q. And is this document normally maintained by the  
15 company in its records?

16 A. Yes, it is.

17 Q. And who tested this meter?

18 A. This would have been tested by a lab tester at the  
19 central test lab.

20 Q. And when was it tested?

21 A. June 10th, 2004.

22 Q. And how was the meter tested?

23 A. It would have been similar to what the field  
24 tester done in comparison tests on Mr. O'Toole's meter  
25 too, which is a standard kilowatt meter.

1 Q. So it would be the same test, just instead of  
2 being performed at the customer's premises it's being  
3 performed in a Met Ed facility?

4 A. That's right.

5 Q. Now, according to the test results on this test,  
6 was Mr. O'Toole's meter functioning properly and in  
7 accordance with the Commission's meter guidelines?

8 A. Yes, it was.

9 Q. And if you could just briefly direct us to where  
10 the meter test results are located on the exhibit?

11 A. One in the center of the page in the result  
12 column. There's series light load and full load  
13 percentages, a power factor test was performed on that  
14 meter and then they have left percentages.

15 Q. And in laymen's terms, what do these results mean?

16 A. It was one plus or minus two percent of 100  
17 percent of our Commission's requirements and it was  
18 accurate.

19 Q. Now, you mentioned that Mr. O'Toole's meter was  
20 removed and I believe the date you gave us around May  
21 6th, 2004. Do you know why the meter was removed?

22 A. I understood that there was broken glass on the  
23 meter.

24 Q. A broken glass or a broken globe, I believe, is  
25 that how it was described before, today, the fact for

1 the accuracy?

2 A. It would depend if any glass particles would have  
3 been stuck in and around the end hole or the  
4 electrical part of the meter.

5 Q. Well, in this case, given that the meter was  
6 tested and found to be accurate, would that  
7 suggest ---?

8 A. It doesn't look like there was any problem. It  
9 looks like that would be a problem.

10 Q. And do you know the current status of the meter  
11 that was removed from Mr. O'Toole's property?

12 A. It's been repaired and put back in service at  
13 another customer location.

14 Q. Now, when you say repaired, you mean the glass was  
15 fixed and was reinstalled?

16 A. Correct.

17 Q. Now, if the prior meter was removed it must then  
18 follow that another meter was possibly installed at  
19 Mr. O'Toole's residence. Was this new meter tested  
20 for accuracy as well?

21 A. I believe it would be, yes.

22 Q. Mr. Leppo, could you please identify the document  
23 that I've just handed you that we will ask to be  
24 marked as Met Ed Exhibit WL-3.

25 (Met Ed Exhibit WL-3 marked for

1 identification.)

2 A. WL-3 is the meter test results for the meter that  
3 was installed at Mr. O'Toole's residence in 2004.

4 BY ATTORNEY TOTINO:

5 Q. And are you sponsoring this exhibit for purposes  
6 of today's hearing?

7 A. Yes, I am.

8 Q. And is this document normally maintained by the  
9 company in its records?

10 A. Yes, it is.

11 Q. And who tested this meter?

12 A. This meter was tested by the manufacturer when we  
13 purchased it.

14 Q. And when was it tested?

15 A. February 23rd, 2004.

16 Q. And according to the test results, was Mr.  
17 O'Toole's new meter functioning properly and in  
18 accordance with the PUC'S meter guidelines?

19 A. Yes, it was.

20 Q. If you could, on the exhibit, refer us to the  
21 results.

22 A. In the somewhat center of the page in the result  
23 column it will be listed as left series light load and  
24 full load test results. And this has left surge power  
25 factor results.

1 Q. We're going to switch gears now and discuss your  
2 contacts with Mr. O'Toole. Did you have any occasion  
3 to conduct any on-site visits to Mr. O'Toole's  
4 property?

5 A. Yes, I did. There were two occasions.

6 Q. And when was the first?

7 A. The first one was September the 13th, 2003.

8 Q. And why did you conduct this on-site visit?

9 A. There was a high bill complaint and meter accuracy  
10 questions.

11 Q. And would an on-site visit or inspection of this  
12 nature be something that Met Ed would normally do in  
13 response to the allegations that were raised by Mr.  
14 O'Toole at that time?

15 A. Yes.

16 Q. And is an inspection or an on-site visit something  
17 that you would normally do and have done in the past  
18 in response to high bill allegations or meter accuracy  
19 allegations?

20 A. Well, occasionally I've done that in the past.

21 Q. Please identify the document that I've just handed  
22 you that we'll ask to be marked as Met Ed Exhibit  
23 WL-4.

24 (Met Ed Exhibit WL-4 marked for  
25 identification.)

1 A. This is my office memo to Mr. Brian Lowe, who  
2 accompanied me that day and describes what I observed  
3 at Mr. O'Toole's residence.

4 BY ATTORNEY TOTINO:

5 Q. And based on your visit, what type of equipment  
6 and appliances did you see on the premises?

7 A. He graciously invited us to go to his house and  
8 showed us a side-by-side refrigerator, an upright  
9 freezer, refrigerator out in the garage, a  
10 dehumidifier in the basement. I think he has a small  
11 under-the-counter type refrigerator up in the bedroom,  
12 various TVs.

13 Q. Feel free to look at your exhibit to refresh your  
14 recollection, Mr. Leppo.

15 A. I remember he had several computers in the main  
16 room where he was pointing to us --- or pointing us to  
17 different things along with a printer or two and a  
18 monitor that goes to the computers, various television  
19 sets upstairs.

20 Q. Do you remember any recording --- any recordings?

21 A. Several VCRs to go with the TV sets.

22 Q. How about video cameras?

23 A. He mentioned that he has cameras around the house  
24 to record things outside the house. Upstairs he had  
25 communications rack to record these cameras as well as

1 a separate TV set and VCR.

2 Q. Would it be fair to say that ---.

3 A. He also described outside wiring to the --- and  
4 pointing to an adjacent building or something at one  
5 point --- but other than that ---.

6 Q. Would it be fair to say that --- first of all,  
7 were you here today for Mr. O'Toole's testimony this  
8 morning?

9 A. Yes. Yes.

10 Q. Would it be fair to say that you observed many of  
11 the same things that Mr. O'Toole listed as having in  
12 his house?

13 A. Yes. That would be a fair statement.

14 Q. Now, based on this visit, what equipment, if any,  
15 did you conclude was causing much of Mr. O'Toole's  
16 electrical usage?

17 A. I had done a brief kind of check on the meter  
18 usage between the dehumidifier in the basement running  
19 and we asked him to turn it off. And I represent that  
20 that alone would account for some portion of his usage  
21 in addition to the other appliances he has in the  
22 house that be could coming on and going off  
23 accordingly.

24 Q. And based on your knowledge and experience in  
25 assessment of Mr. O'Toole's equipment and his

1 property, what findings did you make, if any,  
2 regarding the potential for Mr. O'Toole's use, what  
3 was registering on his meter?

4 A. It appeared to me that he had a potential to use  
5 it. I will say at that time not all of those  
6 appliances were on and running as we walked through  
7 the house, but he would have the opportunity to turn  
8 them on at any time was conceivable.

9 Q. Now, you mentioned that you conducted two on-site  
10 visits to Mr. O'Toole's residence. Do you remember  
11 when the second visit occurred?

12 A. The second visit was March 20th, 2004 with the BCS  
13 staff that came to meet me.

14 Q. If you could, Mr. Leppo, could you please identify  
15 the document that I've just handed you?

16 A. This is RS-3, hierarchy of informal complaints  
17 from Met Ed.

18 Q. And you mentioned again that this visit in March  
19 of 2003, I believe. Why did you conduct this visit?

20 MR. O'TCOLE:

21 Excuse me.

22 A. As I observed the BCS staff was ---.

23 MR. O'TOOLE:

24 Why wasn't I not given a copy of what was  
25 given to him?

1                   JUDGE JONES:

2                   Mr. O'Toole, he stated that he was  
3 directing his attention to RS-3, Exhibit RS-3 that was  
4 previously given to you.

5                   MR. O'TOOLE:

6                   I didn't hear that part.

7                   JUDGE JONES:

8                   Do you have it there, sir? You may  
9 continue. I'm sorry, Mr. Leppo.

10                  ATTORNEY TOTINO:

11                  Let me --- I'll restate the question.

12 BY ATTORNEY TOTINO:

13 Q. You mentioned that you had conducted another on-  
14 site visit on March 20th of '03 and then along with  
15 you were representatives from the Commission of BCS.  
16 I asked why you conducted this on-site visit.

17 A. I was accompanying them. They were conducting a  
18 visit and I essentially observed them asking him what  
19 was in the house and discussing with him how his  
20 electrical use occurred at the present.

21                  MR. O'TOOLE:

22                  Excuse me. What was that date?

23 A. It was March 20th.

24                  MR. O'TOOLE:

25                  I don't find that on this paper.

1                   ATTORNEY TOTINO:

2                   That's not on there. It's based on his  
3 personal recollection.

4                   JUDGE JONES:

5                   You may continue.

6 BY ATTORNEY TOTINO:

7 Q. Do you know why BCS was conducting this  
8 investigation?

9 A. A high bill complaint and inadequate services  
10 concerns, I believe.

11 Q. And is that the complaint that's referenced on  
12 that exhibit?

13 A. High bill complaint is on this exhibit.

14 Q. And if you could, please tell us what BCS  
15 ultimately found upon conducting this investigation.  
16 And if you need to refer to the exhibit ---.

17 A. They had found that he had the potential to use  
18 the electricity that he was billed for and that the  
19 meter accuracy testing we had done that the meter was  
20 working accurately.

21 Q. Did you agree with the findings of the BCS  
22 decision?

23 A. Yes, I did.

24                   MR. O'TCOLE:

25                   Objection to the word potential as being

1 fact.

2 JUDGE JONES:

3 I'm going to overrule that objection.

4 BY ATTORNEY TOTINO:

5 Q. Now, on your two on-site visits, what impressions  
6 did you have, if any, regarding Mr. O'Toole's internal  
7 wiring?

8 A. There was a reference Mr. O'Toole made to several  
9 unexplained lights around the house as he described  
10 this, reduced electrical use as he saw it, wiring  
11 running up the wall and across several pictures on the  
12 wall. There was a light fixture in the house on front  
13 of a kitchen cabinet in the kitchen area. Several  
14 small lights as he described it in the walking up the  
15 stairs to the bedroom area, wiring against the wall  
16 visible.

17 Q. Would you describe it as standard wiring?

18 A. It appeared to me as non-standard type of  
19 installation.

20 Q. And what, if anything, did you notice about the  
21 breaker panels?

22 A. There were two breaker panels in the basement as I  
23 remember. And the circuitry appeared to be installed  
24 from those panels to different parts of the house.  
25 There was a breaker panel in the garage, as I

1 remember, where the cover was off of it and there was  
2 some circuitry wired to that panel.

3 Q. Now, in addition to your on-site meetings, did you  
4 ever have the occasion to speak with Mr. O'Toole?

5 A. My first contact with him was by a phone call  
6 where he had mentioned his concerns of electrical use  
7 and wire clearances and so forth and I relayed that  
8 information to other responsible departments.

9 Q. And did you ever hang up on Mr. O'Toole?

10 A. No. I don't remember ever hanging up on him. I  
11 thought we had a lengthy conversation and I responded  
12 to convey his concerns to the appropriate departments.

13 Q. And how would you characterize your demeanor in  
14 dealing with Mr. O'Toole, both during the on-site  
15 visits and on any calls?

16 A. Professional, responsible and tried to understand  
17 what he was explaining about his concerns of the  
18 electrical use and the meter function.

19 Q. Now, were you here earlier during Mr. O'Toole's  
20 testimony regarding the frequency modulation?

21 A. Yes.

22 Q. And if you can tell us, do you know what he was  
23 trying to describe?

24 A. I'm not sure if I understand exactly what he was  
25 trying to show, but it sounds as though he believes

1 that there's some device utilities use to change the  
2 frequency of the voltage coming through his house in  
3 some special way that I know nothing of that.

4 Q. And so you're not aware that Met Ed is doing  
5 anything? Do you even know if it's possible?

6 A. I do not know that it's possible with our system  
7 and am not aware of anything like that being done at  
8 his residence.

9 Q. At this point could you just briefly summarize the  
10 primary conclusions of your testimony?

11 A. You mean the meter accuracy was --- is --- the  
12 meter was working accurately at the house. Mr.  
13 O'Toole's residence has a number of appliances  
14 connected to the circuitry, some running at the time,  
15 some not and he has the potential to use much of that  
16 electricity being billed as well as anything more  
17 that, depending on how he uses those appliances.

18 Q. Mr. Leppo, do you have anything further to add to  
19 your testimony?

20 A. No, I do not.

21 ATTORNEY TOTINO:

22 Mr. Leppo is available for Cross.

23 JUDGE JONES:

24 Mr. O'Toole.

25 CROSS EXAMINATION

1 BY MR. O'TOOLE:

2 Q. I do remember your being at my property and I do  
3 remember that our --- this course was continual. I  
4 never mentioned he was the person that hung up. I was  
5 talking --- I talked about unknown people on the other  
6 hand.

7 JUDGE JONES:

8 Mr. O'Toole, questions.

9 BY MR. O'TOOLE:

10 Q. What is your education again?

11 A. Bachelor of Science in electrical engineering  
12 technology.

13 Q. Okay. Why was there no notice mentioned about the  
14 broken globe for almost a year?

15 A. I couldn't answer that. You would normally expect  
16 the meter reader to report that kind of thing, but  
17 other than that I can't tell you. You had to report  
18 it, I guess.

19 A. Yes. I called numerous times and said there was  
20 something wrong with the meter. And those are my  
21 words, there's something wrong with the meter, and I  
22 was informed that nothing was reported.

23 JUDGE JONES:

24 Mr. O'Toole ---

25 BY MR. O'TOOLE:

1 Q. Why not?

2 JUDGE JONES:

3 --- the witness says he cannot answer the  
4 question.

5 MR. O'TOOLE:

6 Okay.

7 BY MR. O'TOOLE:

8 Q. Was the dehumidifier running when you were there?

9 A. Yes, it was.

10 Q. It was?

11 A. On the first visit it was running.

12 Q. Was the dirt in the fireplace wet or dry?

13 A. I don't know. I didn't look at it. I didn't  
14 touch it. I'll say that.

15 Q. Believe me, if it were wet or dry you would notice  
16 it and ---.

17 JUDGE JONES:

18 Mr. O'Toole, questions.

19 BY MR. O'TOOLE:

20 Q. The question is basically you say it was running.

21 A. I remember it running because we had to turn it  
22 off. I observed the meter operation before on the  
23 outside of the house and then I observed it after you  
24 turned it off for a period of a few minutes.

25 JUDGE JONES:

1 We're talking about the dehumidifier?

2 A. Yes.

3 BY MR. O'TOOLE:

4 Q. Aren't you mixing that up in that it was off and  
5 you asked me to turn it on? That's what I remember.  
6 Because that has a ---.

7 A. To the best of my knowledge I remember it was  
8 running the ---.

9 Q. That hasn't run that much for several years.

10 JUDGE JONES:

11 Mr. O'Toole, you've heard the testimony  
12 of the witness.

13 MR. O'TOOLE:

14 And I'm just going to reverse.

15 BY MR. O'TOOLE:

16 Q. You say I have several --- you expressed that I  
17 had --- I told you I have several counters around. Do  
18 you remember what I told you as to what activated  
19 them?

20 A. I think you mentioned earlier they were motion  
21 activated.

22 Q. Which means they are not on all the time; is that  
23 correct?

24 A. I would agree with you they may not be on all the  
25 time.

1 Q. You talked about the garage paneling, that I had a  
2 panel in there. How many circuit breakers were  
3 actually in when you came both times?

4 A. I don't remember.

5 Q. Were there any?

6 A. I thought there was at least one or two. More  
7 than that I don't remember.

8 Q. When you came there was only the master.

9 JUDGE JONES:

10 Mr. O'Toole, questions.

11 MR. O'TCOLE:

12 Well, he's indicating that I had the  
13 potential.

14 JUDGE JONES:

15 And you disagree. I have that on the  
16 record.

17 MR. O'TCOLE:

18 Well, I have a fact that there were no  
19 circuit breakers, which means there was no potential.

20 JUDGE JONES:

21 Mr. O'Toole, you have ---.

22 MR. O'TOOLE:

23 All right.

24 BY MR. O'TCOLE:

25 Q. I'll ask you. If the --- if breakers are in ---

1 or not in the panel, is there a potential to use it?

2 A. If there's no circuit connected it certainly  
3 wouldn't be on something used.

4 Q. Thank you. You had indicated that I said there  
5 was a device that could be used that was used by Met  
6 Ed to change the frequency modulation?

7 ATTORNEY TOTINO:

8 I object. Objection. I don't think  
9 that's an accurate characterization.

10 MR. O'TOOLE:

11 That's what he said, no devices --- that  
12 I used a device.

13 ATTORNEY TOTINO:

14 That's not what he said.

15 MR. O'TOOLE:

16 I said that they had used a device.

17 ATTORNEY TOTINO:

18 I think what he said was he was not aware  
19 of any ---.

20 JUDGE JONES:

21 Mr. Totino, I believe you are accurate in  
22 that he said he was not aware of any device. However,  
23 Mr. O'Toole, if you want to pursue the line of  
24 questioning about the frequency modulation I would  
25 suggest that you characterize your questions in line

1 with what Mr. Leppo believes that he was trying to  
2 state in reference to modulation frequency, modulation  
3 problems that you testified to earlier today.

4 BY MR. O'TOOLE:

5 Q. What is the --- what does a frequent modulation  
6 change do to a meter?

7 A. I'm not sure that I know, because we tested  
8 everything on a standard frequency of 60 cycles per  
9 second, so --- whether it's in the field or in the  
10 testing.

11 Q. If the frequency modulation were increased, what  
12 would that do the meter reading?

13 A. I can't answer that. I don't know. I have  
14 actually never seen that done, so I don't know what it  
15 would do to a meter. The meter is designed to work on  
16 frequency and it's designed to be very accurate on  
17 variation of voltage, temperature and all the things  
18 that make it work.

19 Q. Isn't that provided that what is supplied to the  
20 meter is, in fact, 60 per second?

21 JUDGE JONES:

22 Sixty (60) cycles per second?

23 MR. O'TOOLE:

24 Sixty (60) cycles per second.

25 A. That's the normal power on the frequency.

1 BY MR. O'TOOLE:

2 Q. What do you mean by normal?

3 A. It's the frequency of the voltage coming to your  
4 house.

5 Q. If this were increased how would it be --- how  
6 would it affect the meter?

7 ATTORNEY TOTINO:

8 Objection. I think he's already  
9 answered.

10 JUDGE JONES:

11 Agreed.

12 BY MR. O'TOOLE:

13 Q. Did I show you the two-foot path behind the  
14 shrubbery to the meter?

15 A. We did look at the meter. I don't remember if you  
16 pointed it out to us or not. I know you were there at  
17 the doorway aside the meter and that we did have some  
18 brief discussion. I don't remember if you actually  
19 pointed your finger at it or anything.

20 Q. Did you walk over to the meter?

21 A. Yes. I was there at the meter. I think I stood  
22 on the opposite side of the shrubbery. I was not  
23 between the shrubbery and the meter. I was on the  
24 opposite side.

25 Q. Are you sure?

1 A. When I look at the meter that's where I always  
2 stand. Whether the pathway was there or not I'm not  
3 sure that I can say at this point.

4 Q. Why did it take so long for Met Ed to come out and  
5 actually find the broken meter?

6 A. I don't know.

7 ATTORNEY TOTINO:

8 Actually, I'm going to object. I don't  
9 know whether it was established that it took so long  
10 for Met Ed to come out.

11 MR. O'TOOLE:

12 I called for almost a year frequently.

13 ATTORNEY TOTINO:

14 But ---.

15 JUDGE JONES:

16 Mr. Totino, at this point your witness  
17 has said he doesn't know. He's already answered the  
18 question.

19 BY MR. O'TOOLE:

20 Q. Is ten kilowatt --- is a ten kilowatt transformer  
21 adequate for today's home?

22 ATTORNEY TOTINO:

23 Objection. That's beyond the scope of  
24 Mr. Leppo's ---.

25 A. I'm not involved in sizing the transformers

1 services.

2 BY MR. O'TOOLE:

3 Q. I'm sorry. I didn't ---.

4 A. I'm not involved in sizing the transformers to the  
5 service supply. I don't know.

6 JUDGE JONES:

7 You're withdrawing your objection?

8 ATTORNEY TOTINO:

9 Yes.

10 JUDGE JONES:

11 Thank you.

12 BY MR. O'TOOLE:

13 Q. What was the wattage of the lights that you saw in  
14 the house that were in use, that were on the ends of  
15 the --- that strung up wire that you said was there?

16 A. They were small under the counter florescent type  
17 fixtures. You may have told me the wattage and I  
18 don't remember the wattage of that. You described  
19 them as very economical and low usage type fixtures.

20 Q. Would they supplant the use of higher wattage  
21 ceiling bulbs as far as their brilliance when placed  
22 as I said they were placed?

23 A. I'm not sure. I don't know if I have enough to  
24 make that judgment. A fluorescent fixture normally  
25 uses less power than an incandescent bulb.

1 Q. You said that I had several refrigerators. Were  
2 they all plugged in?

3 A. The side-by-side refrigerator in the kitchen was  
4 running at the time I think we were there. You took  
5 us to the freezer in the back room and showed us that  
6 it was --- it appeared to be cold. I don't remember  
7 if that was running. And the refrigerator in the  
8 garage was cold, but I don't remember hearing that  
9 running.

10 Q. How many refrigerators were in the garage?

11 A. I think there were two. You told us one as not  
12 being used.

13 Q. I believe I told you there --- I'm not trying to  
14 be nasty, but I believe I told you there were four and  
15 only one was used during the summer.

16 A. That could be. To the best of my knowledge that's  
17 what I remember.

18 Q. The stairway wiring that you said the wires were  
19 running up the stairway, what kind of wiring did you  
20 say that was?

21 A. I don't remember specifically, other than you  
22 referenced to the light that turns on at the top of  
23 the stairs.

24 Q. Would it have been too small in diameter for  
25 electric wire? Wouldn't it be more like a telephone

1 wire? Wasn't it beige?

2 A. I don't know. I can't remember that.

3 MR. O'TOOLE:

4 I'd like to stipulate that the only  
5 wiring running up the stairway is telephone wire.

6 JUDGE JONES:

7 Mr. O'Toole, you have provided testimony.

8 MR. O'TOOLE:

9 No, I didn't provide that.

10 JUDGE JONES:

11 You did not provide us testimony?

12 MR. O'TOOLE:

13 Not that one. He said that there was a  
14 wire running up the steps indicating it's electrical.  
15 It is not.

16 JUDGE JONES:

17 This witness has provided to the best of  
18 his recollection what he believes was there.

19 MR. O'TOOLE:

20 And I am clarifying what he said.

21 JUDGE JONES:

22 I have a hesitancy as far as the  
23 stipulation is concerned because there's no --- I do  
24 not have a check and balance to verify that what you  
25 are stating is accurate. However, the Commission has

1 stated that the Complainant providing the testimony  
2 are given the benefit of the doubt, that their  
3 testimony is accurate. So I will take that as  
4 testimony as opposed to a stipulation regarding your  
5 recollection, Mr. Leppo, of the type of wiring that  
6 was up the staircase.

7 MR. O'TOOLE:

8 No further questions.

9 JUDGE JONES:

10 Mr. Leppo, I do have a question.

11 A. Yes, Your Honor.

12 JUDGE JONES:

13 You stated that your first visit was in  
14 September of 2002 and your second visit was in March  
15 28th ---

16 A. 2004.

17 JUDGE JONES:

18 --- 2004 in conjunction with a BCS staff  
19 person?

20 A. Yes.

21 JUDGE JONES:

22 And that was in reference to?

23 A. High billing for electrical use in the household.

24 JUDGE JONES:

25 Okay. And that was in reference to the

1 complaint that is referenced in RS-3 Exhibit,  
2 previously admitted ---

3 A. Yes.

4 JUDGE JONES:

5 --- by the company? My question is, as  
6 far as your date of the visit, I'm having trouble  
7 because the BCS complaint as put on this exhibit is  
8 dated March 6th, 2003 and the outcome is dated May  
9 2003. But you have at least on two occasions stated  
10 that your visit was in March 2004. Do you see my  
11 dilemma, Mr. Leppo?

12 A. I see your dilemma. The exhibit from BCS ---.

13 JUDGE JONES:

14 Do you need to refresh your recollection  
15 with that?

16 A. Thank you very much.

17 JUDGE JONES:

18 Sure. Mr. Totino, please approach the  
19 witness with that exhibit.

20 WITNESS REVIEWS DOCUMENT

21 A. All right. Your Honor, I believe I gave the  
22 incorrect year. It should be 2003.

23 JUDGE JONES:

24 So you are changing your testimony to the  
25 second exhibit. The date will be March 28, 2003 as

1 opposed to March 28, 2004?

2 A. Because this is the statement 2003, so it cannot  
3 be 2004. I apologize.

4 JUDGE JONES:

5 Thank you very much, Mr. Leppo. That  
6 does clear up my confusion. Mr. O'Toole, do you have  
7 any questions based on the questions that I asked?

8 MR. O'TCOLE:

9 No.

10 JUDGE JONES:

11 Mr. Totino, do you have any further  
12 Direct?

13 ATTORNEY TOTINO:

14 One second.

15 JUDGE JONES:

16 Or Redirect. I'm sorry.

17 MR. O'TCOLE:

18 I do have one other question to ask of  
19 the witness. I thought that you asked me if I had any  
20 questions to you.

21 JUDGE JONES:

22 Well, hold that and we'll address them.

23 ATTORNEY TOTINO:

24 Nothing further.

25 JUDGE JONES:

1                   Mr. O'Toole, you indicated that you do  
2 have a further question?

3                   MR. O'TOOLE:

4                   One question.

5                   JUDGE JONES:

6                   I did ask you if you had further  
7 questions before I proceeded to ask my questions. And  
8 I did then ask you if you had any further questions  
9 based upon the questions that I asked. So as far as I  
10 am concerned you had no other questions to ask based  
11 on what had already transpired. Are you stating now  
12 that you have one other question?

13                  MR. O'TOOLE:

14                  One other question.

15                  JUDGE JONES:

16                  Okay. What I will do, based on giving  
17 latitude to a pro se Complainant, I will hear the  
18 question and if I find it's inappropriate I will tell  
19 you so that you'll know not to answer. Go ahead, Mr.  
20 O'Toole.

21                  MR. O'TOOLE:

22                  When you went through my home, did I make  
23 reference to the fact that I rarely, if ever, use the  
24 in-house lighting, but prefer to use the lower wattage  
25 fluorescents that I installed?

1                   JUDGE JONES:

2                   I do believe that Mr. O'Toole did make  
3 reference to his opinion of fluorescent lighting when  
4 Mr. Leppo did state that he saw fluorescent lighting  
5 and that was a lower wattage than incandescent light.  
6 If, Mr. O'Toole, by asking this question you are  
7 trying to buttress your position that you used the  
8 fluorescent lighting at a lower wattage and that is  
9 your tendency, I have heard that testimony as far as  
10 your Direct testimony. I do not believe I need you to  
11 re-buttress that ---

12                   MR. O'TCOLE:

13                   That wasn't the purpose.

14                   JUDGE JONES:

15                   --- with Mr. Leppo confirming or denying  
16 that that's what you said.

17                   MR. O'TOOLE:

18                   That wasn't the purpose.

19                   JUDGE JONES:

20                   What is the purpose of your question?

21                   MR. O'TOOLE:

22                   The purpose was to clarify that I had, in  
23 fact, stated that to him.

24                   JUDGE JONES:

25                   I don't think I need to have that

1 clarification, Mr. O'Toole. Mr. Leppo, you do not  
2 have to answer the question. As the company has  
3 stated they have nothing further, Mr. Leppo, you are  
4 excused. Thank you.

5 We are approaching 3:30. I would like to  
6 be able to know that will be completed by 4:00. Let's  
7 go off the record.

8 SHORT RECESS TAKEN

9 JUDGE JONES:

10 We're back on the record.

11 ATTORNEY TOTINO:

12 I would like to move to admit Exhibits  
13 WL-1 through 4.

14 JUDGE JONES:

15 Yes.

16 ATTORNEY TOTINO:

17 Three would be the meter accuracy test  
18 results and Four being the e-mail summary of his site  
19 visit.

20 JUDGE JONES:

21 Okay. Mr. O'Toole, do you have  
22 objections to any of those exhibits?

23 MR. O'TOOLE:

24 I don't understand them anyway, so no.

25 JUDGE JONES:

1 They are admitted.

2 ATTORNEY TOTINO:

3 Thank you.

4 JUDGE JONES:

5 All right. Mr. Totino, I believe I'm  
6 ready for your next witness.

7 ATTORNEY TOTINO:

8 We call Steve Ward.

9 JUDGE JONES:

10 Mr. Ward, would you raise your right  
11 hand?

12 -----  
13 STEVEN WARD, HAVING FIRST BEEN DULY SWORN, TESTIFIED  
14 AS FOLLOWS:

15 -----

16 JUDGE JONES:

17 Thank you. Very well, sir. You may be  
18 seated. Mr. Totino, you may proceed.

19 ATTORNEY TOTINO:

20 Thank you, Your Honor.

21 DIRECT EXAMINATION

22 BY ATTORNEY TOTINO:

23 Q. Please state your name and business address for  
24 the record.

25 A. My name is Steven D. Ward. My business address is

1 501 Parkway Boulevard, York, Pennsylvania.

2 Q. Please describe your educational background.

3 A. I have a Bachelor of Science Degree --- a Bachelor  
4 of Science Degree in electrical engineering from the  
5 University of Delaware and electrical engineering  
6 training certificate from the Commonwealth of  
7 Pennsylvania.

8 Q. By whom are you employed and in what capacity?

9 A. I'm employed by Met Ed and I'm supervisor of  
10 electrical engineering.

11 Q. And how long have you been with Met Ed?

12 A. I've been with Met Ed 21 years.

13 Q. And what are your job responsibilities and duties  
14 in your current position?

15 A. In my current position I supervise designers and  
16 engineers and all of us are involved in planning and  
17 designing of facility products to accommodate various  
18 requests, either line extension requests, service  
19 upgrades, relocations. These requests come from  
20 various customers, residential, commercial,  
21 industrial. And I also am involved in coordinating  
22 and planning and designing of internal company  
23 products for maintenance reliability and some  
24 upgrades.

25 Q. And what is the purpose of your testimony today?

1 A. The purpose of my testimony today is to discuss  
2 Mr. O'Toole's service and operational issues.

3 Q. And what circuit services Mr. O'Toole's residence?

4 A. Mr. O'Toole's residence is served by 737 line.

5 Q. And could you just briefly describe the service of  
6 the circuit?

7 A. This particular circuit is mainly rural. It's fed  
8 from our substation called Hill substation near Glen  
9 Rock, Pennsylvania. It's approximately 40 miles long.  
10 It has approximately 1,900 customers on it and that's  
11 predominately residential and rural customers.

12 Q. Please identify the document that I've just handed  
13 you that we'll ask to be marked as Met Ed SW-1.

14 (Met Ed Exhibit SW-1 marked for  
15 identification.)

16 A. This is an outage history of 737 line for Mr.  
17 Edward O'Toole.

18 BY ATTORNEY TOTINO:

19 Q. And are you sponsoring this exhibit for purposes  
20 of today's hearing?

21 A. Yes, I am.

22 Q. And is this information in the exhibit maintained  
23 in the company's business records?

24 A. Yes, they are.

25 Q. And could you just briefly describe the exhibit?

1 A. This exhibit details the number of outages that  
2 occur at Mr. O'Toole's residence between the date of  
3 10/13/2001 and 10/13/2004. It lists the date of the  
4 hour, the duration and cause of the outage.

5 Q. And how does the company report outages on a  
6 circuit?

7 A. The company reports outages in a combination of  
8 ways. We record breaker operations out of  
9 substations. We record customer calls in the call  
10 center where they report no lights. And then we also  
11 compile information from the field personnel if they  
12 have a trouble electrically.

13 Q. And could you just briefly describe what a breaker  
14 is or the breaker that you referenced?

15 A. A circuit breaker at a substation is a box that  
16 can open and reclose, momentarily interrupt power on a  
17 circuit in an attempt to clear a temporary fault, such  
18 as an animal that may come down over the line or a  
19 tree branch. And if it's not successful it will open  
20 and close a few more times and then it will remain  
21 what we call bobbed out, which is also sustained  
22 outage. A repairman will be dispatched and the  
23 appropriate repairs and that breaker would have to be  
24 closed back in either manually or by the dispatchers.

25 Q. So is it fair to say it's a protective device

1 that's used to protect against power surges ---

2 A. Yes.

3 Q. --- and variations? Now, based on the exhibit,  
4 how many outages has the Complainant experienced in  
5 the last three years?

6 A. Mr. O'Toole's outages was relatively good for the  
7 last three years. He's only experienced five outages.  
8 He experienced one outage in 2001. That was the  
9 result of a --- it appeared to be weather related,  
10 inclement weather related. He had two outages on two  
11 successive dates in 2002 during the Christmas blizzard  
12 in 2002. He experienced another outage in 2003 during  
13 Hurricane Isabella. And experience one outage this  
14 year so far and that was due to a storm where the  
15 breaker that is one of our transformers was at this  
16 particular substation opened up and closed back again  
17 in this weather and it had to be weather related also.  
18 It was a lightening storm.

19 Q. So all of these outages were weather related?

20 A. Yes.

21 Q. Please identify the document that I've just handed  
22 you, which we will ask to be marked as Met Ed Exhibit  
23 SW-2.

24 (Met Ed Exhibit SW-2 marked for  
25 identification.)

1 A. The document identified is entitled 737 line  
2 circuit breaker operations.

3 BY ATTORNEY TOTINO:

4 Q. And are you sponsoring this exhibit for purposes  
5 of today's hearing?

6 A. Yes, I am.

7 Q. Okay. And is the information contained in this  
8 exhibit contained in the company's business records?

9 A. Yes, they are.

10 Q. Could you just please describe the exhibit for us?

11 A. The exhibit is a tabular listing of circuit  
12 breaker operations for the last approximately three  
13 years for the 737 line. And the columns are listed as  
14 the date that the operation occurred, the time, the  
15 substation, the point or the actual circuit breaker  
16 number, what the alarm was on our system. And there's  
17 also another column on there listing the counter on  
18 the circuit breaker.

19 Q. And to be clear, just briefly describe what  
20 momentary interruptions are.

21 A. Momentary interruptions are two to ten second  
22 blips in the power. The power will go off for  
23 approximately two to ten seconds. Usually due to some  
24 temporary fault and it could cause a temporary loss of  
25 power, a circuit breaker cessation or a reclosing and

1 an operations for a sustained outage, but usually it's  
2 only for a momentary lapse.

3 Q. And generally how long are they?

4 A. Two to ten seconds.

5 Q. And again, it seems that the momentary --- or at  
6 least the purpose of a momentary interruption is to  
7 hopefully avoid a sustained prolonged outage?

8 A. That's correct.

9 Q. And how many momentary interruptions has the  
10 Complainant experienced as listed on the exhibit here?

11 A. On this particular exhibit we show a number of  
12 power outages, which was 27, but the three operations  
13 were --- or associated with one of the lockouts of  
14 substation, regular lockout to the previous exhibit  
15 SW-1, the outages. So Mr. O'Toole had experienced  
16 approximately 24 momentary interruptions in the last  
17 three years.

18 Q. And in what years would he have experienced most  
19 of those interruptions?

20 A. The year 2002 and the year 2003, which were  
21 particularly severe weather years for us. He  
22 experienced most interruptions and has actually  
23 experienced quite a few interruptions and very few  
24 momentary interruptions this year.

25 Q. And as an example I see on here there looks to be

1 three interruptions on December 25th, 2002?

2 A. That's correct.

3 Q. And were those momentaries weather related?

4 A. Yes, they were due to the snow and ice --- on the  
5 blizzard of 2002 if you recall.

6 Q. And how about 2003, on September 19th there appear  
7 to be two momentaries on that date as well?

8 A. Right. They were also related to Hurricane  
9 Isabella.

10 Q. And how about November and December of 2003?

11 A. During those months I'm not sure if I remember,  
12 but right after that hurricane we also sustained  
13 two --- I think it was two severe wind storms and it  
14 might have been due to that.

15 Q. And based on these reports, in your own knowledge  
16 and experience, how would you characterize  
17 Complainant's service and reliability?

18 A. I would evaluate his reliability as good.

19 Q. And what actions, if any, has Met Ed taken or  
20 plans to take to maintain the reliability of the 737  
21 line, Mr. O'Toole's service?

22 A. In fact, his circuit was just completely trimmed  
23 this year and will be trimmed again in another few  
24 years. And we perform routine patrols as necessary.

25 Q. Now, Mr. Ward, are you familiar with the

1 allegations raised in the formal complaint and that  
2 were made earlier today at the hearing regarding the  
3 condition of Met Ed's distributions located near Mr.  
4 O'Toole's property?

5 A. Yes.

6 Q. And could you please identify the relevant  
7 distribution facilities in question?

8 A. Relevant distribution facilities in question are  
9 the pole, a transformer, associated wiring, a fuse, a  
10 lightning arrester and type of wiring.

11 Q. And could you just please describe the  
12 transformer? I'm sorry, could you please describe the  
13 transformer?

14 A. The transformer that's installed on Mr. O'Toole's  
15 residence is a 10KD transformer that was manufactured  
16 in 1963.

17 Q. And what does the transformer do?

18 A. The transformer steps down the primary voltage to  
19 7600 volts down to consumer use voltage, which in this  
20 case is 120/240.

21 Q. And could you please describe the relevant wiring?

22 A. There is a single base primary wiring that's on  
23 top of the pole. That's a high voltage wire that has  
24 a usual wire and it also goes in the circuits and  
25 comes down the pole into the meter base to Mr.

1 O'Toole's residence.

2 Q. And what does the primary single base wire do?

3 A. That's high voltage wire. That's how we carry the  
4 higher voltage from the substation to the residence.

5 Q. And how about the neutral?

6 A. The neutral wire is used as a term path where the  
7 current base used at the house and it's also used as a  
8 term path for any kind of a short circuit or a fault  
9 that might occur.

10 Q. And how about the fuse, what does it do?

11 A. The fuse is an over current device and it protects  
12 the transformer from any overload situations, either  
13 weather related, whether it's short circuit or even  
14 the actual transformer is overloaded by the customer  
15 it will pop it over before it damages the transformer.

16 Q. How about the arrester?

17 A. The lightning arrester, is an older voltage device  
18 and we use that to protect the transformer from any  
19 kind of damage from a surge that may result from  
20 either a lightning strike or some other kind of  
21 switching that may occur on the line. And for a  
22 flashing or a spark over at the terminal and it's  
23 raining and the excess voltage down to the ground.

24 Q. And is that what the ground is for?

25 A. That's what the ground is for.

1 Q. Could you please identify the document that I just  
2 handed to you that we'll ask to be marked as Met Ed  
3 Exhibit SW-3(a).

4 (Met Ed Exhibit SW-3(a) marked for  
5 identification.)

6 A. Yes. This a photograph of Mr. O'Toole's driveway  
7 overseeing his farmhouse.

8 BY ATTORNEY TOTINO:

9 Q. And did you take this photograph?

10 A. No. Actually one our designers took the  
11 photograph. I downloaded it and printed it out.

12 Q. Are you sponsoring this exhibit for purposes of  
13 today's hearing?

14 A. Yes.

15 Q. And could you please point out on the exhibit  
16 where the facilities in question are located?

17 A. The facilities that I described earlier are  
18 located along this pole that is very close to Mr.  
19 O'Toole's house. And that small gray box is the  
20 transformer that I indicated and right below that is  
21 the fuse and the lightning arrester.

22 Q. And did you ever have an occasion to visually  
23 inspect these distribution facilities?

24 A. Yes, I did.

25 Q. And when was the most recent inspection?

1 A. I believe it was in October 15th of 2003.

2 Q. And why did you inspect the facilities?

3 A. It was in response to some concerns and complaints  
4 from Mr. O'Toole about the condition of his facilities  
5 at his house.

6 Q. And is an inspection of this nature something that  
7 Met Ed would normally do in response to the  
8 allegations that were raised by Mr. O'Toole?

9 A. Yes, we would.

10 Q. And is an inspection of this nature something that  
11 you would normally do and have done as part of your  
12 job duties and responsibilities?

13 A. Yes.

14 Q. And upon inspection of the relevant facilities  
15 that you have just discussed, what were your findings?

16 A. I found all the relevant facilities to be safe and  
17 adequate and up to current structural standards.

18 Q. Now, regarding the transformer, I think we  
19 mentioned that transformers are protected by fuses as  
20 is the case here; is that correct?

21 A. That's correct.

22 Q. And you mentioned that the transformer at Mr.  
23 O'Toole's residence was manufactured and installed in  
24 1963?

25 A. Yes, it was.

1 Q. Now, would this transformer use the same types of  
2 fuses that a transformer manufactured and installed  
3 today would use?

4 A. They would use the same fuse.

5 Q. Mr. Ward, are you familiar with the allegations in  
6 the formal complaint and the allegations made here  
7 today, earlier today, regarding the sagging wires  
8 located on Mr. O'Toole's property?

9 A. Yes, I am.

10 Q. Mr. Ward, could you please identify those  
11 documents that I've just handed you which have been  
12 marked as Met Ed Exhibit SW-3(b) and SW-3(c)?

13 (Met Ed Exhibits SW-3(b) and SW-3(c)  
14 marked for identification.)

15 A. SW-3(b) is a photograph of looking up Mr.  
16 O'Toole's driveway showing our facility on the right-  
17 hand side of his driveway.

18 And then Exhibit SW-3(c) is another photograph  
19 showing the remainder of the line as you crest the  
20 hill and go on his driveway and you can see it going  
21 down the hill. And then off to the right you will see  
22 the remainder of the line going over Mr. O'Toole's  
23 residence into SW-3(a).

24 BY ATTORNEY TOTINO:

25 Q. Could you please identify the document that I just

1 handed you, which is what we'll ask to be marked as  
2 Met Ed Exhibit SW-4?

3 (Met Ed Exhibit SW-4 marked for  
4 identification.)

5 A. Yes, I will. SW-4 is a copy of a --- from our  
6 company mapping system showing the facilities that  
7 serve Mr. O'Toole.

8 BY ATTORNEY TOTINO:

9 Q. And your sponsoring this exhibit for ---

10 A. Yes, I am.

11 Q. --- for purposes of today's hearing? And if you  
12 could just please describe the relevant facilities on  
13 the map.

14 A. On this particular map is circles that are  
15 indicated along that roadway are our poles. And  
16 again, that circle and the pole next to that. The  
17 dotted line between the poles are --- or is our  
18 overhead line that goes along the ground to catch the  
19 poles. At the very end you'll see a square box with a  
20 ten in it and it's a transformer and our service.

21 Q. And if you could, could you relate the photographs  
22 that were marked --- or we have asked to be marked as  
23 3(b) and 3(c) to this map?

24 A. Yes, I will. Exhibit SW-3(b), is the current view  
25 going up Mr. O'Toole's driveway, that would be

1 indicated on Exhibit SW-4 in that first stand, in that  
2 first stand and a half. I don't know if it would be  
3 easier to point it out to Your Honor or ---. But  
4 basically on that first ---.

5 JUDGE JONES:

6 You need to give me more than first stand  
7 and a half.

8 A. On the right hand side of the plan there is a  
9 roadway that comes in and there is a pole number  
10 there. It lists it as 29239-1639. And that's where I  
11 wrote the first pole and the first stand coming into  
12 the property. And Exhibit SW-3(b) in reference to  
13 this photograph of that first stand coming into the  
14 property.

15 The second exhibit, SW-3(c) has approximately a  
16 view of that property line that was drawn on the plan.  
17 There's sort of a little chink in the driveway. And  
18 that's indicated near pole 29177-16380. And again,  
19 it's --- if you look on the --- actually pointing to  
20 the area on this ---.

21 JUDGE JONES:

22 I think I do have it, Mr. Ward, but just  
23 to make sure that I am understanding, yes, you may  
24 approach.

25 WITNESS COMPLIES

1                   JUDGE JONES:

2                   Right, Mr. Totino?

3                   ATTORNEY TOTINO:

4                   I'm sorry, what was that?

5                   JUDGE JONES:

6                   We did not testify to 3(a); correct?

7                   ATTORNEY TOTINO:

8                   Correct. It's 3(b) and (c).

9 BY ATTORNEY TOTINO:

10 Q.   And has Met Ed inspected the relevant wire  
11 clearances that run along Mr. O'Toole's property?

12 A.   Yes, we have.

13 Q.   And what were Met Ed's findings regarding the wire  
14 clearances?

15 A.   We found that we were in compliance with our  
16 current compliance.

17                   JUDGE JONES:

18                   We're going off the record.

19 OFF RECORD DISCUSSION

20                   JUDGE JONES:

21                   We're back on the record. I apologize  
22 for the interruption. Mr. Totino, I believe you are  
23 about introduce previously marked Exhibit SW-5?

24                   ATTORNEY TOTINO:

25                   Correct.

1 BY ATTORNEY TOTINO:

2 Q. If you could, Mr. Ward, could you please identify  
3 SW-5 for us?

4 (Met Ed Exhibit SW-5 marked for  
5 identification.)

6 A. SW-5 is a section from the National Safety Code,  
7 Table 232-1.

8 BY ATTORNEY TOTINO:

9 Q. Are you sponsoring this exhibit today?

10 A. Yes, I am.

11 Q. And what is the NESC?

12 A. The NESC is an abbreviation for National  
13 Electrical Safety Code. It's a code that's considered  
14 an American national standard. In general, provide  
15 guideline requirements to safeguard a person/people in  
16 relation to facilities that are owned by and  
17 maintained by other utilities.

18 Q. And what is the subject of Section 232 --- Table  
19 232?

20 A. This table covers the vertical clearance of wires  
21 conductors, and cables above ground, roadway, rail,  
22 and water services.

23 Q. And does this section prohibit electrical wires  
24 from crossing over ground?

25 A. No, it does not.

1 Q. What then does this section require in terms of  
2 clearances from wires crossing over ground?

3 A. That would depend on the use and type of wiring.  
4 In this particular case, we're concerned with the  
5 first column, which has to do with neutrals and the  
6 fourth column, which has to do with all these wire  
7 conductors between 750 volts and 22,000 volts. And it  
8 would also be concerned about row four of this table,  
9 which indicates a clearance that's requires over ---  
10 when it refers about vehicles, such as elevated ---  
11 That row is row number four and it concerns clearances  
12 over land traversed by vehicles, such as cultivated  
13 grazing, forests and orchards.

14 Q. And just for clarification purposes, would that be  
15 on page two of this exhibit?

16 A. It would be on page two of the exhibit.

17 Q. And what are the clearance requirements for these  
18 wires that you had just mentioned based on services  
19 that you just mentioned?

20 A. The neutral wiring would be required 15.5 feet  
21 above ground and the primary wire that will be  
22 supplied to that would have to be 18.5 feet above the  
23 ground.

24 Q. Were these clearance standards met here?

25 A. Yes, they were.

1 Q. And how did Met Ed determine the standard?

2 A. Met Ed had --- requirement, insulation measuring  
3 stick.

4 Q. And what are those measurements? And if you need  
5 to, feel free to refer to Exhibit SW-4.

6 A. If we look at SW-4, on the right hand side there's  
7 an arrow pointing to that first band. And in there it  
8 indicates --- probably at the top wire and --- SW-  
9 3(b). That's our primary wire. And the measurements  
10 of that wire is 20 feet, 11 inches.

11 The neutral wire, which would be the second wire  
12 shown in Exhibit SW-3(b), this was measured from the  
13 ground to the mutual wire was 15 feet, 11 inches.

14 If we go to the left, the next arrow, the  
15 clearance is actually greater face fire clearances, 25  
16 feet, 11 inches. The neutral clearance is 20 feet,  
17 nine inches. If we continue to the left again, the  
18 clearance is increased again and our face deductor  
19 number is 29 feet and six inches above ground and our  
20 neutral is 25 feet and three inches.

21 Q. And the bottom clearances on this exhibit, would  
22 that be from the telephone wire?

23 A. That's correct.

24 Q. And that would be actually the wire closest to the  
25 ground on the --- in the pictures?

1 A. That's correct. That would be the wire closest to  
2 the ground of the ---.

3 Q. And just regarding those photographs, were they  
4 taken under your direction and your supervision?

5 A. Yes, they were.

6 Q. If you could, please identify this next exhibit,  
7 we'll ask to be marked as Met Ed Exhibit SW-6.

8 (Met Ed Exhibit SW-6 marked for  
9 identification.)

10 A. Yes. This is a customer call notification from  
11 Mr. O'Toole.

12 BY ATTORNEY TOTINO:

13 Q. And are you sponsoring this exhibit today?

14 A. Yes, I am.

15 Q. And what is the purpose of this notification?

16 A. Two purposes. One is to actually document a  
17 customer's concerns made part of his account. And the  
18 most obvious use of this is to notify Met Ed of a  
19 problem a customer has and investigate it.

20 Q. And what is the date of the notification?

21 A. There is a malfunction start date listed on the  
22 left-hand side in the section called support text and  
23 the date on this notification was 12/12/2000.

24 Q. And what is listed on the notification as the  
25 reason for the call?

1 A. I can --- this was for the case of a customer  
2 wanted me to find out concerning information of the  
3 text. And it says, he is concerned that a transformer  
4 serving his residence does not provide adequate power  
5 for his needs. And he's talked to someone from the  
6 company prior to this, but he's convinced that his  
7 point was not clear, because he was having trouble  
8 with his computers and feels that our services is  
9 blank.

10 Q. And what, if anything, did Met Ed do in response  
11 to determine notification?

12 A. Mr. O'Toole was contacted by the Met Ed engineer  
13 and we agreed to install a recording voltage meter at  
14 his residence.

15 Q. And what do recording voltage meters do?

16 A. It's an electronic --- and stores it so that we  
17 can download the information later and throughout.

18 Q. And by the way, what is the voltage? If you could  
19 just give us some general --- in laymen's terms an  
20 explanation?

21 A. Voltage is actually --- is considered electrical  
22 pressure. If you want to equate it to a high volume  
23 of water, it would be the pressure of that water  
24 that's maintained. And in that same analogy, water  
25 would be the current.

1 Q. And when did Met Ed install the voltage recording  
2 meter?

3 A. I believe we installed it in January of 2001. I  
4 think it was January 31st --- February 13th of 2001.

5 Q. Could you please identify the document that I've  
6 just handed you that we'll ask to be marked as Met Ed  
7 Exhibit SW-7?

8 (Met Ed Exhibit SW-7 marked for  
9 identification.)

10 A. The document SW-7 is a graphical representation of  
11 that recordable meter from January 31st, 2001 through  
12 February 13, 2001.

13 BY ATTORNEY TOTINO:

14 Q. Are you sponsoring this exhibit for today's  
15 hearing?

16 A. Yes, I am.

17 Q. And is this information retained in the company's  
18 records?

19 A. Yes, it is.

20 Q. And if you could, just briefly describe the  
21 exhibit to us.

22 A. As I indicated before, this is a graphical  
23 representation of the voltage in Mr. C'Toole's  
24 residence as recorded with the recordable meter.

25 Q. And if you could look, what do the numbers on the

1 back mean?

2 A. The numbers going on the left hand side is the  
3 actual voltage.

4 Q. And at the bottom would be the dates?

5 A. Would be the dates of the voltage for the time.

6 Q. Now, what specifically does this exhibit reveal in  
7 terms of the results of the voltage meter that was  
8 installed on Mr. O'Toole's residence?

9 A. Well, specifically the voltage, it looks like it's  
10 normal voltage. It generally is between 120 volts and  
11 125 volts. There are three dips indicated on this  
12 chart and upon research each one of those was  
13 disturbed to mean another event on the line where a  
14 fuse or another device operated. Those three dips  
15 were reprimanded. And the remaining voltage, it was  
16 well within the range of 500, plus or minus five  
17 percent based on service voltage of 120 volts.

18 Q. And how long did these dips last?

19 A. Each one of the dips lasted two seconds.

20 Q. And what, if anything, would the customer and user  
21 notice?

22 A. They might see dimming of the lights or ---.

23 A perceivable dimming of the lights, maybe a slow down  
24 of a TV screen. It just would be something that would  
25 be very quick, just a little sag and it would come

1 right back up.

2 Q. And what --- in laymen's terms, what, if anything,  
3 did these results tell you about the voltage that was  
4 being delivered to Mr. O'Toole's property?

5 A. Met Ed determined that this is very normal.

6 Q. Did Met Ed have the occasion to conduct any  
7 additional voltage tests relating to Mr. O'Toole's  
8 service?

9 A. Yes, we did.

10 Q. Could you please identify the document that I've  
11 just provided to you, which we'll ask to be marked as  
12 Met Ed Exhibit SW-8?

13 (Met Ed Exhibit SW-8 marked for  
14 identification.)

15 A. SW-8 is a copy of a screen print from our outages  
16 reporting system. It's all of our trouble calls.

17 BY ATTORNEY TOTINO:

18 Q. And are you sponsoring this exhibit for purposes  
19 of today's hearing?

20 A. Yes, I am.

21 Q. And this information is in the company's business  
22 records based on what you just provided?

23 A. Yes, it is.

24 Q. And if you could, could you please describe the  
25 exhibit and how it relates to any voltage test that

1 might have been done?

2 A. It's sort of two part. Down at the bottom you see  
3 the call from Mr. O'Toole. And it lists his account  
4 number and some information at the bottom indicating  
5 where we'd have to go --- dispatched it through. In  
6 this particular case this trouble call came in as a  
7 high voltage problem and it was --- this came on  
8 8/11/2003 and was dispatched and a crew went down  
9 there and tested the voltage.

10 Q. And what were those results?

11 A. The voltage tester, it's there on the comments.  
12 It says, tested voltage 1.1202.1.

13 Q. And how does this test compare to the test that  
14 you previously discussed with the volt meter?

15 A. The previous test is a device that is attached to  
16 the porthole over a lengthy period of time to do a  
17 detailed investigation. This particular test would be  
18 the spot check by the crew that would --- he would  
19 attach the meter.

20 Q. And did the results, the voltage results meet the  
21 voltage standards in the Commission's regulations?

22 A. Yes, they did.

23 Q. Now, I noticed on the document, the exhibit,  
24 there's a notation, check voltage with ---. Could you  
25 please explain what that notation means?

1 A. B of B or below B is an abbreviation for a tool  
2 that we use that's actually a beast of burden. And  
3 it's a device that the linemen or servicemen would  
4 install on a meter base and would apply a heavy load  
5 one side of his panel to the other side of his panel  
6 and there is sharper voltage. And it's also used to  
7 check the service connections, make sure all the  
8 service connections are tight, and make sure that it  
9 is neutral, it's tight and there's no breakage in  
10 there.

11 MR. O'TOOLE:

12 Objection to this exhibit.

13 JUDGE JONES:

14 He hasn't offered it into evidence yet,  
15 Mr. ---.

16 MR. O'TOOLE:

17 No. This is the one he was just talking  
18 about.

19 JUDGE JONES:

20 Yes. But he hasn't offered it into  
21 evidence. He's just submitted it and had it marked.  
22 He hasn't offered it into evidence yet.

23 MR. O'TOOLE:

24 Okay.

25 BY ATTORNEY TOTINO:

1 Q. Mr. Ward, could you please identify the document  
2 that I've just handed to you that will be marked as  
3 SW-9?

4 (Met Ed Exhibit SW-9 marked for  
5 identification.)

6 A. SW-9 is a notice that involved Mr. O'Toole.

7 BY ATTORNEY TOTINO:

8 Q. Are you sponsoring this exhibit for purposes of  
9 today's hearing?

10 A. Yes, I am.

11 Q. And is this information contained in this exhibit  
12 in the company's business records?

13 A. Yes, they are.

14 Q. And could you please identify on the exhibit any  
15 references to a check of the voltage?

16 A. Yes, I can. This ticket was printed as a result  
17 of a damage claim as indicated in the comments. It  
18 was considered to check the voltage at Mr. O'Toole's  
19 residence. And in the comments are results of that  
20 investigation. I can read the entire thing.

21 Q. Just read the --- well, go ahead and read it.

22 A. In the comments it says, back in April, customer  
23 claims damage. Please check with beast and get  
24 results to Tom Daugherty or Doug Haines, MEM/TEAM1.  
25 And then right after that, there is a listing of 124-

1 124-248. And then it says, slash, changed out meter  
2 with broken glass. That indication of 124-124-248 is  
3 an indication that the voltage was checked there.

4 Q. And I think in the column below where it says,  
5 work done --- what does the record say?

6 A. Again, it has reference to check the voltage with  
7 the beast of burden. Also, it says, replaced, see  
8 comments. And that refers back to replacing the  
9 meter.

10 Q. And do you know the date when the voltage was  
11 checked here?

12 A. This was done on 5/6/2004.

13 Q. And it was done in the same manner and used the  
14 same beast of burden that was used in the prior  
15 testing we just discussed?

16 A. Yes.

17 Q. And I don't know, but just to double-check, were  
18 there many prior tests that was the subject of SW-8?  
19 Can you just tell us when that voltage testing was  
20 performed?

21 A. That was performed on 8/11/2003.

22 Q. Thank you. And were the results of the voltage  
23 check meter within the standards set forth in the  
24 Commission's regulations?

25 A. Yes, they were.

1 Q. Now, based on these test results and the other  
2 testimony provided today, what opinion, if any, do you  
3 have regarding the voltage that was supplied to Mr.  
4 O'Toole by Met Ed?

5 A. My opinion based on the cord voltage meter results  
6 of the tests, the voltage that we provided is  
7 adequate.

8 Q. Now, based on your knowledge and experience, your  
9 inspection of the relevant company facilities and the  
10 testimony that you have heard here today, do you have  
11 an opinion as to the cause of any power fluctuations  
12 that Mr. O'Toole was experiencing?

13 A. Based on the testimony from Mr. Leppo and also  
14 based on my observations and some of the conversations  
15 that I've had with Mr. O'Toole, I believe most of his  
16 problems, if not all of them, were caused by  
17 inadequate internal wiring.

18 Q. And would the flow analysis --- would the ---  
19 strike that.

20 Would the description of the types of appliances  
21 that Mr. O'Toole has provided that he has in his home  
22 and his description that Mr. Leppo gave as to what he  
23 saw at the house?

24 A. Yes, it would.

25 Q. Could you please identify the document that I have

1 just provided to you, which we will ask to be marked  
2 as Met Ed Exhibit SW-10?

3 (Met Ed Exhibit SW-10 marked for  
4 identification.)

5 A. Again, this is another screen print from our  
6 trouble call system involving Mr. O'Toole's --- Mr.  
7 O'Toole.

8 BY ATTORNEY TOTINO:

9 Q. And are you sponsoring this exhibit today?

10 A. Yes, I am.

11 Q. And is this information contained in the company's  
12 records?

13 A. Yes, it is.

14 Q. And what does this record indicate was Mr.  
15 O'Toole's concern?

16 A. September 3rd, 2003. Mr. O'Toole was concerned  
17 about a breaker problem. Well, what's happening at  
18 his house, he had indicated that he had internal  
19 breaker that kept tripping and that breaker fed ---.  
20 And this particular ticket was never dispatched,  
21 because it was indicated that this was a customer  
22 problem.

23 And then subsequently I had a conversation with  
24 Mr. O'Toole about this particular trouble call and he  
25 described in detail some particular --- the individual

1 breaker that kept tripping in his house and tried to  
2 explain that it was a customer process. He was the  
3 owner here and ---.

4 Q. And in your discussions with Mr. O'Toole, what  
5 else, if anything, did you discuss regarding internal  
6 wiring?

7 A. There was ---. There was also a recommendation to  
8 have a qualified electrician come in and inspect it  
9 and possibly rewire if need be.

10 Q. Mr. Ward, could you please identify the document  
11 that I've just handed you, which we will ask to be  
12 marked as Met Ed Exhibit SW-11?

13 (Met Ed Exhibit SW-11 marked for  
14 identification.)

15 A. Yes. This is a cover letter --- a letter of some  
16 information that I provided Mr. O'Toole regarding a  
17 concern that he had with his service.

18 Q. And this is a copy of the letter?

19 A. Yes, it is. It's a copy of the letter.

20 Q. And I notice that it's not signed. Can you verify  
21 that this is what ---?

22 A. Yes, this is what I sent.

23 Q. And what's the date of the letter?

24 A. This is September 20th, 2002.

25 Q. If you could, just briefly summarize the contents

1 of the letter?

2 A. It's addressed to Mr. O'Toole. Dear Mr. O'Toole,  
3 this is in response to your recent inquiry regarding  
4 information on customer trenching responsibilities  
5 that are contained in our tariff and information on  
6 400amp self-contained metering versus 600amp metering  
7 with the use of current transformers. The service and  
8 metering information refer to only the amperage  
9 ratings of the service and meter base, the panel and  
10 breakers beyond this can be sized with the help of an  
11 electrician or electrical inspector. This information  
12 is being provided to you for informational purposes  
13 only.

14 Q. And what else then did you send along with the  
15 copy of this letter?

16 A. I sent Mr. O'Toole a copy of our directions. I  
17 sent Mr. O'Toole copies of our tariff having to do  
18 with line extensions and trenching responsibilities.  
19 And I sent information on the requirements for a  
20 400amp service and 600amp service from our service  
21 guidelines booklet.

22 Q. And did you have an occasion to have any telephone  
23 or contacts with Mr. O'Toole regarding a service  
24 upgrade?

25 A. This is a result of that conversation. I actually

1 had a conversation with Mr. O'Toole on the 20th where  
2 we were discussing his concern with the service  
3 operating. There was a variety of suggestions we gave  
4 him. Mr. O'Toole got angry. He had hung up on me and  
5 in response I sent him this letter with the  
6 information that I hoped he would use to make a  
7 decision on and continue with his service.

8 Q. And at that point, do you know what type of  
9 upgrade was being discussed at that point?

10 A. He had 500/600amp service. And there were certain  
11 requirements associated with that that he wasn't happy  
12 with. And so we were discussing other options that  
13 possibly could be cheaper or easier for him to  
14 install. And so we discussed the options between the  
15 600amp and the 400amp service.

16 Q. And are you aware if anybody else at Met Ed had  
17 discussions with Mr. O'Toole regarding a service  
18 upgrade?

19 A. Yes, I am.

20 Q. And who would that be?

21 A. One of our designers, Shane Smith also had  
22 discussions with Mr. O'Toole.

23 Q. And how did Mr. Smith become involved?

24 A. Shane is a designer and part of his normal job  
25 responsibilities would be to take applications,

1 contact the customer, discuss all the options, keep  
2 the customer medial, answer questions and actually  
3 prepare the job.

4 q. I believe you mentioned that Mr. Smith had a  
5 telephone conversation with Mr. O'Toole. Did he also  
6 go to the property to meet with Mr. O'Toole?

7 A. Yes. The application of service came in on the  
8 17th of September of 2002, and then I think Shane  
9 called Mr. O'Toole immediately and then he met with  
10 Mr. O'Toole on 9/18 and had the same discussions with  
11 Mr. O'Toole --- from the 400amp service to 600amp  
12 service.

13 Q. And what was Mr. O'Toole's response to the  
14 company's explanations regarding what would be  
15 required for a service upgrade?

16 A. He was non-responsive and eventually he cancelled  
17 service.

18 Q. So am I correct that no further action was taken?

19 A. That's correct.

20 Q. Now, I just want to talk a couple minutes about  
21 your contacts with Mr. O'Toole. I believe you had  
22 several telephone conversations with Mr. O'Toole. How  
23 far back do your contacts go with Mr. O'Toole would  
24 you say?

25 A. I believe they might go back to 1996 or 1997.

1 Q. And you have had various telephone conversations  
2 about a variety of service-related issue; would that  
3 be fair to say?

4 A. That's correct.

5 Q. And have you ever hung up on Mr. O'Toole?

6 A. No, I haven't.

7 Q. And how would you characterize your demeanor in  
8 dealing with Mr. O'Toole?

9 A. Demeanor that was professional, courteous, try to  
10 be helpful.

11 Q. Now, were you here this morning for the testimony  
12 of Mr. O'Toole provided regarding the use frequency  
13 modulation?

14 A. Yes, I was.

15 Q. And I guess, do you have an understanding of what  
16 he was trying to describe?

17 A. I have an understanding, but ---.

18 Q. I believe it was ---.

19 A. I believe Mr. O'Toole --- the company was somehow  
20 manipulating the frequency of the voltage to alter  
21 meter readings or alter how the meter operates.

22 Q. And to your knowledge was Met Ed altering the  
23 frequency?

24 A. No.

25 Q. To your knowledge is there any device that exists

1 out there that could?

2 A. Not to my knowledge.

3 Q. Now, Mr. O'Toole also said this morning that ---  
4 he mentioned about --- I think it was a preference for  
5 a request to have his service under grounded. Were  
6 you here ---?

7 A. Yes, I was.

8 Q. Are you aware of the federal requirements that  
9 would require services be underground?

10 A. Not in this particular case.

11 Q. Actually, what is the industry standard required?

12 A. The industry standard is to have overhead lines.

13 Q. And does Met Ed follow that industry standard?

14 A. Yes, we do. We try and install overhead as much  
15 as possible.

16 Q. Why is that? I'm just curious.

17 A. There's a lot of reasons. One is that it's very  
18 easy to repair, to spot any trouble and repair it.  
19 And it's economical for us to do that. And that's in  
20 the interest of rate payers.

21 Q. Now, can you just briefly summarize primarily the  
22 reasons for your testimony regarding the accuracy to  
23 the service?

24 A. Met Ed continues to provide safe, reliable and  
25 adequate service for Mr. O'Toole.

1 Q. Anything further to add, Mr. Ward?

2 A. No, not at this time.

3 ATTORNEY TOTINO:

4 Mr. Ward's available to Cross.

5 JUDGE JONES:

6 Thank you, Mr. Totino. Mr. O'Toole?

7 MR. O'TOOLE:

8 Yes.

9 CROSS EXAMINATION

10 BY MR. O'TOOLE:

11 Q. You said that I hung up on you.

12 A. Yes, I did.

13 Q. I never hung up on anyone at any time. The only  
14 instance I can think of is there was once where we  
15 were disconnected and you even called back. I took  
16 your word that it was a disconnect. I never hung up.  
17 I take offense to that.

18 JUDGE JONES:

19 Mr. O'Toole, duly noted. Ask your  
20 questions.

21 MR. O'TOOLE:

22 Okay.

23 BY MR. O'TOOLE:

24 Q. First of all, SW-7, what is the normal voltage  
25 range --- ranges supposed to be?

1 A. The normal voltage that the PUC governs recommends  
2 it's plus or minus five percent.

3 Q. Now, I see the range. What is it, not the plus or  
4 minus.

5 A. It would be five percent of 120 volts, so it would  
6 range from 125 to 126 volts down to 114 volts.

7 Q. Are you sure it isn't 110 to 120?

8 A. I'm positive. Our service voltage is 120/240 to  
9 residential customers.

10 Q. You say I have only three dips in current on this.

11 A. Yes.

12 Q. Are you sure only three?

13 A. Yes.

14 Q. How about up?

15 A. I don't understand your question.

16 Q. You're talking about dips. I'm talking about  
17 spikes. Are there any spikes?

18 A. No. No, I don't see any spikes.

19 Q. How does the dip or the spike appear on this  
20 chart?

21 A. Well, I don't see any spikes. The only thing I  
22 could point out to you would be the three dips. And  
23 they would be the three longer black lines that come  
24 down below the 115 volt level. I think you'll be able  
25 to see it crosses 115 volt line and there's three

1 places where there's a black line that comes down  
2 below that. Each one of those was investigated and  
3 found to be associated with a fuse that was operated  
4 on line. And we view that as a momentary dip in  
5 voltage.

6 Q. In other words you're saying that if there is a  
7 solid line, that is a dip or a spike, saying that  
8 there are --- you don't see any spikes in here? A  
9 solid line in either direction would indicate a dip or  
10 a spike?

11 A. No. That's not what I'm saying. The question  
12 is --- I didn't see any indication of a spike in each  
13 recording and then I only saw three dips. And those  
14 would be indicated by the three darker lines I see  
15 going down below 115 volts.

16 Q. Next to the first dip, about a 16th of an inch,  
17 wouldn't that be a dip?

18 A. No.

19 Q. Well, it's a line?

20 A. Yes. There's a line there, but whatever I'm ---  
21 what I'm considering to be a dip would be something  
22 that would actually go down below the minimum service  
23 voltage level.

24 Q. I'm not talking about what you consider, I'm  
25 talking about the indication that is right on here.

1 It is ---.

2 JUDGE JONES:

3 Mr. O'Toole, I need to interrupt you  
4 here. Mr. Ward is providing his opinion of what this  
5 particular exhibit depicts.

6 MR. O'TOOLE:

7 Yes.

8 JUDGE JONES:

9 He has testified that the normal range  
10 for Met Ed's service of electricity is 126 to 116. I  
11 believe that's what I understood. He is testifying  
12 that he --- what he characterizes dips are those  
13 things that are outside of that range. He does not  
14 see anything above 126, so he does not see any spikes.  
15 He only sees dips.

16 MR. O'TOOLE:

17 And Your Honor, what I am getting at is  
18 that these straight lines occur frequently. Now,  
19 whether they go under or over, they are still out of  
20 the normal range of a graphic display and they  
21 indicate a problem in the line.

22 JUDGE JONES:

23 Mr. O'Toole ---.

24 MR. O'TOOLE:

25 How momentary it was, it was still a

1 problem.

2 JUDGE JONES:

3 Mr. O'Toole, it appears that you have a  
4 difference of opinion on how you would describe this  
5 depiction as SW-7 Exhibit. Mr. Ward is sponsoring  
6 this exhibit and he has provided his opinion on what  
7 is depicted in SW-7. You are free to ask him  
8 questions as to what his opinion is of this exhibit.  
9 I recognize that you have a different opinion, but you  
10 are not testifying to the exhibit, you are asking  
11 questions of the exhibit.

12 BY MR. O'TOOLE:

13 Q. About an inch and a half to the right of that  
14 first dip, above 125 there appears to be a straight  
15 black line. What does that indicate?

16 A. That's an indication that the voltage went up to  
17 approximately 125 and a half volts.

18 Q. And would that be a sudden momentary type thing?

19 A. Without actually looking more closely at the  
20 record I wouldn't be able to tell you the duration of  
21 that event. I don't consider that to be a spike. Any  
22 long ---. The lower limit, that I indicated, goes  
23 down to 114 volts.

24 JUDGE JONES:

25 Okay. I'm sorry. I mischaracterized

1 you. Thank you for that correction.

2 BY MR. O'TOOLE:

3 Q. Would you say --- how many straight lines would  
4 you say you see going in either direction along that  
5 entire length?

6 A. That would be too numerous for me to count the  
7 number of straight lines going across this graph.

8 Q. Too numerous to count. And each one of those is a  
9 fluctuation in current, in voltage?

10 A. In voltage.

11 Q. A fluctuation?

12 A. That's correct.

13 Q. A sudden fluctuation?

14 A. We have no way to characterize that. That would  
15 be ---.

16 Q. So that these straight lines in either direction  
17 would indicate a sudden momentary-type fluctuation in  
18 current?

19 A. That's what I said. Without examining it more  
20 closely I could not be able to give you the time  
21 reference.

22 Q. Exactly.

23 A. Unfortunately, I don't have the software to  
24 examine it.

25 Q. This is a visual printout.

1                   JUDGE JONES:

2                   Mr. O'Toole, the witness has represented  
3 to you that he is unable to answer your question based  
4 on the exhibit that's provided.

5                   MR. O'TOOLE:

6                   Okay.

7 BY MR. O'TOOLE:

8 Q.   On Exhibits SW-8, 9 and 10, Exhibit Eight has 120,  
9 120, 241. What does that mean?

10 A.   You're referring to SW-8. We tested the voltage  
11 to be 120, 120, 241.

12 A.   Uh-huh (yes).

13 Q.   The 120 would be for service. 120 is neutral and  
14 241 volts that would range from --- neutral and got to  
15 241 to 120 volts. And then it would measure between  
16 both waves of service and at this particular point  
17 they would have registered 241.

18 Q.   This does not seem to agree with the graph. Why  
19 doesn't this agree with the graph? The graph rarely  
20 touches 120 and this indicates twice 120 was recorded.  
21 Why?

22 A.   This particular exhibit doesn't --- it's not the  
23 same time frame as when we had the portable meter  
24 installed. And in my opinion, I see the 120 mark  
25 reached enough times on the recording volt meter that

1 this did not seem to be ---. It seems to be normal  
2 voltage.

3 Q. We see something different. I don't see it  
4 reaching 120 that often. It reaches above 120. Why  
5 is it that you're seeing something I don't? Is there  
6 something I'm missing?

7 ATTORNEY TOTINO:

8 Object. He's already answered his  
9 question.

10 JUDGE JONES:

11 Mr. O'Toole, I understand that you are  
12 interpreting the exhibits before you a little  
13 differently than the witness is. The witness is  
14 offered by the company as an expert for these  
15 exhibits. If you have an objection to the exhibit,  
16 please lodge it.

17 MR. O'TCOLE:

18 I have an objection to all three of these  
19 because they don't correlate.

20 JUDGE JONES:

21 Okay. Mr. O'Toole, when you say all  
22 three of these, I'm assuming you mean Exhibit  
23 SW-8 ---.

24 MR. O'TOOLE:

25 SW-8, 9 and 10 and also SW-7.

1                   JUDGE JONES:

2                   Okay. So we're talking about four ---.

3                   MR. O'TOOLE:

4                   SW-7 ---.

5                   JUDGE JONES:

6                   Okay. So SW-8, 9 and 10 you're objecting  
7 to on what grounds?

8                   MR. O'TOOLE:

9                   On the fact that the figures on 8 and  
10 9 --- well, 9 correlates more than those two. Eight  
11 (8) reads 120 and I don't see --- I'm adept at reading  
12 graphs.

13                   JUDGE JONES:

14                   Okay. So ---.

15                   MR. O'TOOLE:

16                   I don't see where it touches 120 that  
17 often.

18                   JUDGE JONES:

19                   Okay. Mr. O'Toole, let me work with one  
20 thing at a time. Do you have an objection to SW-9?

21                   MR. O'TOOLE:

22                   What was SW-9?

23                   JUDGE JONES:

24                   You said ---.

25                   MR. O'TOOLE:

1 Oh, okay. Yes. This is shown that they  
2 did not check the line because they indicated that I  
3 had an appliance problem or a wiring problem.

4 JUDGE JONES:

5 Mr. O'Toole, are you looking at SW-9?

6 MR. O'TOOLE:

7 Oh, I'm sorry. I'm looking at --- SW-9,  
8 nc, I don't see any objection to that one.

9 JUDGE JONES:

10 Okay. So now we're ruling on SW-8 and  
11 SW-10; correct?

12 MR. O'TOOLE:

13 SW-8 first.

14 JUDGE JONES:

15 Okay. SW-8, you have an objection  
16 because the 120-120-241 does not correlate with what,  
17 the graphical depiction in Exhibit SW-7?

18 MR. O'TOOLE:

19 I am not asking for it to be removed, I  
20 am putting that there is an objection to the way the  
21 SW-8 and SW-7 do not correlate.

22 JUDGE JONES:

23 Okay.

24 ATTORNEY TOTINO:

25 If I could just explain? I was just

1 going to say that I thought it was pretty clear from  
2 the testimony that SW-7 was a recording from January  
3 31st to February 13th, 2001 and SW-8, I believe, was  
4 A, recorded at one time from August 11th, 2003, so  
5 we're talking about two different points of time.

6 JUDGE JONES:

7 I believe Mr. O'Toole heard that. I  
8 also, however, am under the impression that he thinks  
9 that there still should be some correlation. Is that  
10 correct, Mr. O'Toole?

11 BY MR. O'TOOLE:

12 Q. Have you ever gotten a --- below a 124 --- have  
13 any ---?

14 JUDGE JONES:

15 Wait a minute. Wait a minute. Could you  
16 answer my question before you ask him another  
17 question?

18 MR. O'TOOLE:

19 I'm not --- this is the answer to that.

20 JUDGE JONES:

21 No. That's a question. You're asking a  
22 question. I need an answer.

23 MR. O'TOOLE:

24 All right.

25 JUDGE JONES:

1           Is your objection to SW-8 even noting  
2 that SW-8 and SW-7 have different time frames, that  
3 SW-8 should somehow correlate with SW-7?

4           MR. O'TOOLE:

5           That's it. My objection is that they  
6 should correlate because they --- SW-7 depicts a  
7 period of over --- about two weeks.

8           JUDGE JONES:

9           Okay.

10          MR. O'TOOLE:

11          If there were going to be a change, it  
12 would --- it should be so noted on there.

13          JUDGE JONES:

14          Okay. All right. Mr. Totino, do you  
15 have a response to that objection?

16          ATTORNEY TOTINO:

17          I think it's pretty clear that the tests  
18 were done at two different times. The witness has  
19 testified about the results and he's more than capable  
20 of doing this than ---.

21          JUDGE JONES:

22          Okay. Mr. O'Toole, I am going to  
23 overrule your objection simply because the company is  
24 taking SW-8 as a snapshot in time different from the  
25 snapshot in time in SW-7. Also, I find in SW-7 that

1 there are instances where it does depict 120 volts.  
2 So it is not strange to me that there's a caption or a  
3 snapshot in time different from SW-7 where they  
4 actually hit 120 volts. So I'm overruling your  
5 objection on SW-8.

6 Now, moving to SW-10, what is your  
7 objection for SW-10?

8 MR. O'TOOLE:

9 SW-10, they said they did not take any  
10 readings because they felt that it was because of an  
11 appliance that I have causing the 15 amp breaker to  
12 pop. The microwave is rated at 11.2 amp and when  
13 turned back to GE it recorded 11.2, because I turned  
14 it back to GE stating that it was indicated by the  
15 power company to be excessive in its amperage draw.

16 JUDGE JONES:

17 Okay. So you're objecting to SW-10  
18 because you dispute the fact that it was a result of  
19 your appliance that was the cause of the malfunction?

20 MR. O'TOOLE:

21 That is true. Since then that appliance  
22 I was told ---.

23 JUDGE JONES:

24 Mr. O'Toole, that is true, that's all I  
25 needed. Mr. Totino?

1                   ATTORNEY TOTINO:

2                   I don't think that objection goes to the  
3 admissibility of this document.

4                   JUDGE JONES:

5                   Mr. O'Toole, I'm aware that you are  
6 diligent and went to make sure that the amperage for  
7 the microwave is what, in fact, you thought, which is  
8 less than what was given to you by the company as  
9 rated. I'm also aware, however, that wirings in homes  
10 can have more than one appliance to that device.

11                   MR. O'TOOLE:

12                   Not in this home.

13                   JUDGE JONES:

14                   Mr. O'Toole, I have no idea what the  
15 wirings are in your house. I will take this exhibit  
16 and admit it, giving the weight that I find contained  
17 on the record, but I will not allow it not to be  
18 admitted based on your objection.

19                   MR. O'TOOLE:

20                   There is no other appliance or any other  
21 thing on that particular line.

22                   JUDGE JONES:

23                   Duly noted, Mr. O'Toole, but my ruling  
24 still stands.

25                   MR. O'TCOLE:

1 All right.

2 BY MR. O'TOOLE:

3 Q. In this --- in SW-7 is a depiction of  
4 approximately 15 days and my complaint is momentary  
5 problems. Wouldn't this indicate with all these  
6 little spikes up and down as being exactly what I have  
7 been declaring?

8 JUDGE JONES:

9 Let me address this, Mr. Ward. Mr.  
10 O'Toole, I think you fail to realize the SW-7 Exhibit.  
11 Although it is a snapshot over as you state 15 days,  
12 Mr. Ward has stated that it depicts the consistency  
13 that the company has performed within the guidelines  
14 of the Commission for adequate service. What you see  
15 as spikes, the company is seeing as still within that  
16 tolerance that they are acknowledged to perform by the  
17 Commission regulations. So I understand that you see  
18 them as problematic, however the company is --- the  
19 Commission provides regulations and guidelines which  
20 the company is bound to perform by.

21 The depiction in SW-7, as characterized  
22 by Mr. Ward, is such that the company has within that  
23 15 day time period has been performing within those  
24 guidelines. There are no spikes outside of those  
25 guidelines. Mr. Ward has acknowledged three dips.

1 He has acknowledged that those dips are below the 115.  
2 It would be left to me to decipher if those dips also  
3 precede below the 114 that Mr. Ward has said that the  
4 Commission has provided the company to perform by.

5           So if I find that the three dips are  
6 below the 114, then I will also find that in those  
7 instances the company did not perform on the  
8 Commission's outline as they are supposed to. Do you  
9 understand that explanation, Mr. O'Toole?

10           MR. O'TOOLE:

11           I understand that. May I paraphrase?

12           JUDGE JONES:

13           Paraphrase what?

14           MR. O'TCOLE:

15           The fact that they are within that  
16 120/125 range, that this was presented as an example  
17 of the current --- constant current flow to my home.

18           JUDGE JONES:

19           I understand that, Mr. O'Toole.

20           MR. O'TOOLE:

21           And that on here are depicted single  
22 lines. And the paraphrasing is, if you were walking  
23 along the curb and you now ---.

24           JUDGE JONES:

25           Mr. O'Toole ---.

1                   MR. O'TOOLE:

2                   --- and you now --- that's really a small  
3 range but it's still a normal, yet you will definitely  
4 possibly hurt your back.

5                   JUDGE JONES:

6                   Mr. O'Toole, the time is late. We've  
7 been on SW-7 Exhibit for a considerable amount of  
8 time. If you do not have any further objections to  
9 this exhibit, it's to be admitted. I believe you were  
10 pursing Cross of Mr. Ward. Do you have any further  
11 Cross?

12                   MR. O'TOOLE:

13                   Yes, I do.

14                   JUDGE JONES:

15                   Wait a minute. Do you have any further  
16 objections to SW-7?

17                   MR. O'TOOLE:

18                   The objection is as I stated, the small  
19 movements ---.

20                   JUDGE JONES:

21                   Okay. I've ruled on that. I've ruled on  
22 that. The Exhibit is admitted. Continue your Cross.

23 BY MR. O'TOOLE:

24 Q. On SW-3(a), you say I have a ten KVA transformer?  
25 Why would that be considered sufficient to supply that

1 house, those three barns that you can see and one that  
2 you can't see?

3 A. You indicate a ten KVA transformer?

4 Q. Uh-huh (yes).

5 A. Based on your usage and some engineering factors  
6 that we use to determine loading guidelines, that  
7 transformer is not overloaded. That transformer is  
8 more than adequate for your needs and the needs on the  
9 farm based on usage for the meter.

10 Q. Would I be able to use more with that?

11 A. Yes, you would.

12 Q. More than 10 KVW --- KVA --- KVH?

13 A. It's KVA. And indeed they're --- transformer  
14 right now because I think they're through for  
15 expansion or an upgrade and the transformer ---.

16 Q. Could it be that I am not using it because I don't  
17 have it there to use?

18 JUDGE JONES:

19 Mr. O'Toole, please allow the witness to  
20 adequately answer your question before you ask  
21 another.

22 MR. O'TOOLE:

23 I saw him sit back and I thought he was  
24 finished ---

25 JUDGE JONES:

1 Okay.

2 MR. O'TOOLE:

3 --- then he moved forward again.

4 JUDGE JONES:

5 Mr. Ward?

6 A. I was also going to say that each transformer also  
7 have an overload factor and that there are peak times  
8 when it would be overloaded 20 to 30 percent. So this  
9 transformer is adequate for your needs.

10 BY MR. O'TOOLE:

11 Q. If I were to overload it, wouldn't that damage my  
12 equipment?

13 ATTORNEY TOTINO:

14 Objection. This is speculative.

15 JUDGE JONES:

16 Mr. Ward, you can answer the question in  
17 your opinion if you can answer it. If you cannot  
18 answer it, just state you cannot.

19 A. I don't think I can answer that question  
20 adequately.

21 BY MR. O'TOOLE:

22 Q. In my testimony I stated that these lines sag  
23 tremendously. In SW-3(b), where do these lines --- or  
24 the one line that has a fold right smack in the middle  
25 of the picture with the five underneath, where does

1 that top and second line attach to the pole? In other  
2 words, doesn't that top line go up to the top of the  
3 pole and the second one go up to that little knob  
4 about an inch and a quarter down on the picture?

5 A. Yes, sir. Correct. The top one is attached to an  
6 insulator above the top of the volt and then each volt  
7 is attached to a clamp as indicated on that picture  
8 you described.

9 Q. And you don't consider that the fact that those  
10 lines are down so far in the picture that it's not to  
11 be sagging?

12 A. Those lines have to sag. They're normally  
13 installed with a belly or a sag determining different  
14 weather conditions and a wire's going to go up and go  
15 down. So you have to basically build in some  
16 flexibility in that structure. When we went out there  
17 ---.

18 Q. How ---?

19 A. I'm sorry. When we went out there to measure  
20 clearances, we went to the lowest point when we  
21 measured it to make sure that we were in compliance.

22 Q. Why would the telephone line at the pole knock the  
23 telephone repairman on his backside when he attempted  
24 to show a 24 volt and instead he showed a 240?

25 A. I don't work for the telephone company or have any

1 knowledge of what you're saying.

2 Q. What is induction?

3 A. In regards to what?

4 Q. Electricity. You have an induction current. What  
5 is it?

6 A. I don't understand your question.

7 Q. Isn't induction where a current from one source  
8 invades the area of another? That's putting it  
9 crudely.

10 A. Well, yeah. That would be --- that would be a  
11 crude explanation.

12 Q. Couldn't then that the telephone wire pick up from  
13 induction of an electric line that is too close to a  
14 current?

15 A. I have heard of cases where there was interference  
16 on telephone lines that's caused by an area high  
17 voltage system. I can't speak to this particular  
18 case. I don't know anything that you're describing.  
19 I don't know who investigated or looked at it.

20 Q. Is a transformer to lower the current, the line  
21 current or raise it?

22 A. It actually turns out that it raises the line  
23 current.

24 Q. Raises the line current. I thought you said  
25 earlier that from my property is was lowered?

1 A. That was your voltage.

2 JUDGE JONES:

3 Voltage, not current.

4 BY MR. O'TOOLE:

5 Q. Okay. Voltage. Then the voltage on my property  
6 is being lowered at the transformer?

7 A. It's being lowered by the transformer so that you  
8 could use it.

9 Q. So that these lines that are coming in are high  
10 voltage?

11 A. They are actually considered medium voltage lines.  
12 That particular system is operating on 7,620 volts.

13 Q. Wouldn't that cause induction if it was too close  
14 to the telephone line?

15 A. I can't answer that.

16 ATTORNEY TOTINO:

17 Objection.

18 JUDGE JONES:

19 Thank you, Mr. Totino. I've been waiting  
20 for your objection. Sustained.

21 BY MR. O'TOOLE:

22 Q. You said this transformer was installed in 1963.  
23 What year was it manufactured?

24 A. The transformer was manufactured in 1963.

25 Q. I'm sorry?

1 A. It was manufactured in 1963 according to our  
2 company records.

3 Q. What do momentaries cause in the home?

4 A. It would be characterized as a brief period of  
5 time you didn't have power.

6 Q. Would this create a problem with say a digital  
7 clock?

8 A. I have no idea of your definition of a problem  
9 with a digital clock. I can't answer that.

10 Q. A digital clock is one that does not have hands  
11 and reads by number. And digital clocks usually, when  
12 they are at the current --- you know, electrical  
13 discontinuing or spike --- or cut out drop to 12:00  
14 noon, would you say that this is accurate?

15 A. I've seen VCRs and other digital displays when  
16 they lose power reset themselves to 12:00. I don't  
17 consider that a problem.

18 Q. If it occurred frequently in your own home, every  
19 time you turned around or if you missed an alarm going  
20 off because of this resetting, would that be a problem  
21 to you?

22 ATTORNEY TOTINO:

23 I'll object. There's no foundation.  
24 It's speculative.

25 JUDGE JONES:

1 Mr. ---.

2 MR. O'TCOLE:

3 He's saying he saw the problem in the  
4 home. I'm just asking what that would be.

5 JUDGE JONES:

6 Mr. O'Toole, I believe you need to  
7 rephrase your question. You asked the witness what a  
8 problem would be and he didn't know how you were  
9 characterizing the problem. Then you went to explain  
10 it. You --- there were instances where the digital  
11 display would go to 12:00 and he said, yes, he has  
12 seen that, but he doesn't characterize that as a  
13 problem.

14 MR. O'TOOLE:

15 That's why I asked him if he missed the  
16 alarm because this occurred, would that be a problem.

17 JUDGE JONES:

18 What I think you need to ask or how I  
19 would rephrase would be is ask the witness in your  
20 opinion if in your home the clock was displayed  
21 flashing 12:00 frequently, would you find that to be a  
22 problem.

23 MR. O'TOOLE:

24 Okay. We'll use that.

25 A. Could you restate the ---?

1                   JUDGE JONES:

2                   That's not a smart move, Mr. Ward. In  
3 your opinion, in your home, if a display would  
4 frequently --- and by frequently, what would you  
5 define as frequently, Mr. O'Toole?

6                   MR. O'TOOLE:

7                   Every few days or so, sometimes several  
8 times a day.

9                   JUDGE JONES:

10                  Every few days display or reset to  
11 flashing 12:00, would you characterize that as a  
12 problem?

13 A. It would be a temporary problem, because I would  
14 get a battery back-up into a clock or a wind up clock  
15 to make sure that it didn't.

16 BY MR. O'TOOLE:

17 Q. Why would you have to have two clocks?

18                   JUDGE JONES:

19                   Mr. O'Toole, I don't believe that's  
20 appropriate.

21                   MR. O'TOOLE:

22                   Okay.

23 BY MR. O'TOOLE:

24 Q. Would buried wire have the same outage problems as  
25 the overhead wire and the same repair requirements as

1 the overhead?

2 MR. O'TOOLE:

3 Preface that with --- he stated that the  
4 reason that you use the overhead in place of the  
5 buried is so that you can get to problems, wiring  
6 problems.

7 BY MR. O'TOOLE:

8 Q. Has it been shown that buried cables have these  
9 problems?

10 A. Yes. Buried cables have a limited life. We  
11 have --- our experience has been that when they fail,  
12 the time to repair them and actually find the problem  
13 and repair them is enormous compared to an overhead  
14 problem.

15 Q. Don't you have the same problems with age with the  
16 overhead much more?

17 A. Not that I'm aware of.

18 Q. Buried cable is not subject to corrosion and other  
19 aerial defects. Why then wouldn't you want to have  
20 something buried that would be --- last a lot longer?

21 A. Underground cable is exposed to a different type  
22 of problem. It's exposed to physical demands,  
23 insulation breakdown, it's an entire labor and the  
24 type of structure. And it turns out that underground  
25 installation is more expensive to install and more

1 expensive to repair.

2 Q. Why then do you demand so much preparation for the  
3 wire trenching if you're going to have that problem  
4 with rock, because I believe rock is used in the  
5 trenching?

6 A. No. We require that a customer who orders a  
7 trench from us that it be screened. And that's either  
8 sand or it's small backfill that's I think smaller  
9 than a quarter of an inch. So you do not put rock  
10 backfill into our trenches.

11 Q. Isn't sand more abrasive than rock?

12 A. I couldn't --- I know that that's --- the company  
13 recommended that backfill.

14 Q. Why is it now that the federal government  
15 recommends burying electrical cable in place of  
16 aerial?

17 A. I have no knowledge of any federal recommendations  
18 to install underground versus overhead.

19 Q. What is the life of the cable underground and  
20 aerial?

21 A. Underground cable might have a life span of 30  
22 years. And overhead wiring, we've had some installed  
23 for close to 100 years.

24 Q. The overhead, does that have insulation on that?

25 A. Generally it doesn't. We use air as the

1 insulation.

2 Q. Wouldn't weather corrode and erode that cable  
3 then, exposure to the elements?

4 A. On the overhead or underground?

5 Q. Overhead.

6 Q. Wire's exposed to the elements, exposed to the  
7 elements and it lasts a long time.

8 Q. Are my overheads corroded and show corrosion?

9 A. Based on visual observation, I didn't see anything  
10 that was out of the ordinary. I didn't see ---.

11 Q. That wasn't what I asked. Because you, yourself,  
12 was the one that told me. Do my wires have erosion or  
13 corrosion?

14 A. Based --- when I looked over them, they did not  
15 look like they were corroded.

16 Q. What happens when these wires touch ---

17 ATTORNEY TOTINO:

18 Objection.

19 BY MR. O'TOOLE:

20 Q. --- the overhead wires touch.

21 JUDGE JONES:

22 Mr. Totino, you objected?

23 ATTORNEY TOTINO:

24 Object. We've been through this.

25 JUDGE JONES:

1                   Mr. O'Toole, I do believe Mr. Totino is  
2 correct. You talked about induction, I believe was  
3 the term, and then you talked about the telephone  
4 repairman. It does believe --- I do perceive that the  
5 line of questioning that you're about to go into with  
6 wires touching is repetitive.

7                   MR. O'TOOLE:

8                   No, this isn't, not at all.

9                   JUDGE JONES:

10                  Well, Mr. O'Toole ---.

11                  MR. O'TOOLE:

12                  All right. Let's maybe rephrase the  
13 question.

14                  JUDGE JONES:

15                  I would behoove you to rephrase, because  
16 right now it looks like it's repetitive to me.

17 BY MR. O'TOOLE:

18 Q. When wires are sagging as much as these are and  
19 the wind gets to them and they touch, what happens  
20 when they touch ---

21                  ATTORNEY TOTINO:

22                  Your Honor ---.

23 BY MR. O'TOOLE:

24 Q. --- to the home service?

25                  ATTORNEY TOTINO:

1 I don't know that it's been established  
2 that these wires are sagging quote, as much as they  
3 are. That's not the way I heard it.

4 MR. O'TOOLE:

5 I believe I did ---.

6 ATTORNEY TOTINO:

7 This testimony ---.

8 MR. O'TOOLE:

9 I showed this.

10 ATTORNEY TOTINO:

11 I believe --- we've been down this road  
12 before.

13 JUDGE JONES:

14 Mr. O'Toole, we have talked about  
15 sagging. We talked about the clearances of the wire.  
16 We talked about where we measured the clearances of  
17 the wire. I believe that we have pursued this line of  
18 questioning, even with your rephrase. Please move on.

19 BY MR. O'TOOLE:

20 Q. What determines the height of a telephone wire?

21 ATTORNEY TOTINO:

22 Objection.

23 MR. O'TOOLE:

24 It's relevant. It's on the pole.

25 ATTORNEY TOTINO:

1 Mr. Ward doesn't work for the phone  
2 company.

3 JUDGE JONES:

4 You're asking about the telephone wire.  
5 This witness is provided as an expert on the  
6 electrical wires, the distribution system of the  
7 electrical ---.

8 MR. O'TOOLE:

9 Let me rephrase.

10 JUDGE JONES:

11 Thank you, Mr. O'Toole.

12 BY MR. O'TOOLE:

13 Q. When you string your two wires on the pole, at  
14 what location is the telephone wire?

15 ATTORNEY TOTINO:

16 Renew my objection.

17 MR. O'TOOLE:

18 He's on the pole also and it has to be  
19 somewhere.

20 ATTORNEY TOTINO:

21 If you're asking for a general location  
22 Mr. Ward can ---.

23 A. I can answer it.

24 JUDGE JONES:

25 Proceed, Mr. Ward.

1 A. The telephone company installs their wire below  
2 our wires.

3 BY MR. O'TOOLE:

4 Q. And if your wires come down too close, then  
5 there's interference; isn't there?

6 ATTORNEY TOTINO:

7 Objection.

8 JUDGE JONES:

9 Mr. O'Toole, I already talked to you  
10 about your induction. And I believe that's where  
11 you're going as far as what I understand your  
12 definition was, although it was crude.

13 MR. O'TOOLE:

14 All right.

15 BY MR. O'TOOLE:

16 Q. Have you any record other than this at any time  
17 when I've been present and watched your people, which  
18 is frequently, most of the time when they come, of my  
19 voltage ever being below 124?

20 ATTORNEY TOTINO:

21 Your Honor, I'm going to object. I think  
22 we've been through the voltage results already.

23 MR. O'TOOLE:

24 Well, he has it here that they got two  
25 120s. This is referencing that.

1                    ATTORNEY TOTINO:

2                    I think we've addressed voltage more than  
3 adequately, Your Honor.

4                    JUDGE JONES:

5                    Mr. O'Toole, the exhibit, the exhibit  
6 where the company reads 120, 120 and 240 is definitely  
7 below 124. So I don't understand why you're asking  
8 this question when you have an exhibit that shows  
9 definitively supported by the company that, yes, your  
10 voltage has been tested below 124. So ---

11                   MR. O'TCOLE:

12                    Okay.

13                   JUDGE JONES:

14                    --- based on that I'm going to sustain  
15 Mr. Totino's objection, because it's already in the  
16 record.

17 BY MR. O'TOOLE:

18 Q. Is my voltage checked several times a week in my  
19 home?

20                   ATTORNEY TOTINO:

21                    Objection. I don't see how Mr. Ward  
22 would know that.

23                   JUDGE JONES:

24                    Mr. Totino (sic), I again have to sustain  
25 the company's objection.

1                   MR. O'TOOLE:

2                   I check it regularly and I have never  
3 gotten under 124.

4                   JUDGE JONES:

5                   Mr. Totino (sic) --- I'm sorry. Mr.  
6 O'Toole, you may check it, but Mr. Ward doesn't know  
7 that. How can he testify to what you do? Your  
8 objection is sustained.

9                   Mr. O'Toole, since you have a pregnant  
10 pause, I need to alert everyone that at 5:30 or  
11 thereabouts the lights go out, so we will be in dim  
12 lighting or no lighting. Based on that warning, Mr.  
13 O'Toole, do you have further questions?

14                   MR. O'TOOLE:

15                   I make a motion for continuance then,  
16 because I have several more questions on this.

17                   JUDGE JONES:

18                   I didn't say we were going to stop. I  
19 didn't say we were going to stop.

20                   MR. O'TOOLE:

21                   You said we can't get the lights back, so  
22 we can't operate.

23                   JUDGE JONES:

24                   Just because the lights go out that  
25 doesn't mean that we can't operate and that does not

1 mean that this ALJ will not find a way to operate.

2 MR. O'TCOLE:

3 Okay.

4 BY MR. O'TCOLE:

5 Q. On SW-4 ---.

6 MR. O'TOOLE:

7 What is the time?

8 JUDGE JONES:

9 Mr. O'Toole, please proceed.

10 BY MR. O'TCOLE:

11 Q. On SW-4 on the left side it has the electric wire  
12 running across my farm and it says, no clearance  
13 issues. Have I ever asked about clearance issues?

14 A. Yes, in your complaint.

15 Q. And in checking that clearance issue, has Met Ed  
16 ever talked with the farmers that farm my land about  
17 clearance issues?

18 A. Not that I'm aware of.

19 Q. Then how can Met Ed say there is no clearance  
20 issue when they have a clearance issue with their  
21 equipment?

22 MR. O'TOOLE:

23 I guess that's it. No further questions.

24 JUDGE JONES:

25 Mr. Ward, that was a rhetorical question.

1 You decided not to respond?

2 MR. O'TCOLE:

3 It wasn't rhetorical.

4 JUDGE JONES:

5 You decided not to respond?

6 A. No. No. I wasn't sure ---.

7 BY MR. O'TOOLE:

8 Q. I wanted to know why they hadn't talked to the  
9 farmers, because they would find them --- I mean,  
10 wouldn't that be the best way to do it, go to the  
11 source?

12 JUDGE JONES:

13 Mr. O'Toole, I actually was waiting for  
14 an objection from counsel for the company in reference  
15 to that question. However, there was none.

16 ATTORNEY TOTINO:

17 And a little Redirect.

18 JUDGE JONES:

19 Okay. Mr. Ward, do you care to respond?

20 A. Yes, I do. The clearance concerns that were  
21 indicated to us was the line that went out along the  
22 driveway. There was concern I think indicated the  
23 wire was too low --- fields. And as we went out there  
24 and measured the clearances, because I went out there  
25 and measured the heights from the ground, neutral to

1 the ground, the primary wire, they increased  
2 continuously after they went up the hill. And when he  
3 looked over on the last stand, in his professional  
4 estimation he had already measured, done the proper  
5 measurement and we looked over at that last stand,  
6 that stand was even higher than the rest. And so we  
7 indicated on this that there was no clearance issues.

8 BY MR. O'TOOLE:

9 Q. Is your man a farmer?

10 ATTORNEY TOTINO:

11 Objection.

12 JUDGE JONES:

13 Sustained.

14 BY MR. O'TOOLE:

15 Q. The farmers --- why can't the farmers then use ---

16 ATTORNEY TOTINO:

17 Objection.

18 BY MR. O'TOOLE:

19 Q. --- the standard ---?

20 JUDGE JONES:

21 Sustained. Mr. O'Toole, let me explain  
22 to you. The company ---.

23 MR. O'TOOLE:

24 That is --- they can't get under it.

25 JUDGE JONES:

1           The company has a duty to the customer.  
2 It does not have a duty to anyone that you, as the  
3 owner, provide access to your land. The company  
4 responded to you as the customer as far as clearances.  
5 They do not have a duty to then go through all the  
6 farmers, the rest of the neighborhood that did not  
7 lodge a complaint nor bring this issue before them to  
8 check to see if what they assess is valid. Therefore,  
9 Mr. Totino has lodged an objection to your line of  
10 questioning. I have sustained it, meaning I agree.  
11 You indicated you had no further questioning. Is that  
12 still the case?

13           MR. O'TOOLE:

14           No. I have questions that why ---.

15 BY MR. O'TOOLE:

16 Q. This is a farm. Why then can't the farmer use the  
17 equipment?

18           ATTORNEY TOTINO:

19           Objection.

20 BY MR. O'TOOLE:

21 Q. It's a farm. He can't use the compound. He has  
22 to go rent a separate small ---.

23           ATTORNEY TOTINO:

24           Objection.

25           JUDGE JONES:

1 Mr. O'Toole, you are trying my patience.

2 MR. O'TOOLE:

3 I hate to say this, but you are trying  
4 mine, because I'm coming up with common sense and I'm  
5 coming up with what ---

6 JUDGE JONES:

7 Mr. O'Toole ---.

8 MR. O'TOOLE:

9 --- and I'm being told no.

10 JUDGE JONES:

11 Mr. O'Toole, I suggest if you have no  
12 further questions ---.

13 MR. O'TOOLE:

14 I have no further questions.

15 JUDGE JONES:

16 That's a good thing. Mr. Totino, do you  
17 have Redirect?

18 ATTORNEY TOTINO:

19 I do not.

20 JUDGE JONES:

21 Okay.

22 ATTORNEY TOTINO:

23 At this point I would like to move  
24 the ---.

25 JUDGE JONES:

1                   Actually, I have a question.

2                   ATTORNEY TOTINO:

3                   Okay.

4                   JUDGE JONES:

5                   I'm sorry. Mr. Ward, you stated in your  
6 testimony that in this instance there was no need for  
7 the federal underground service based on the  
8 arrangements that you saw in Mr. O'Toole's property.  
9 My question is, that tends to allude to the fact that  
10 there is an instance where there is federal  
11 underground service. Is there such an instance?

12 A. Yes, there is.

13                   JUDGE JONES:

14                   And what would that be?

15 A. We're required by law to serve residential houses  
16 in a development of five or more lots with underground  
17 services.

18                   JUDGE JONES:

19                   Okay. Mr. O'Toole, do you have any  
20 further questions based on my question?

21                   MR. O'TOOLE:

22                   Only to clarify one item. Only the  
23 properties that would have five or more lots would be  
24 properties that have over six feet acres and were so  
25 at times ---.

1                   JUDGE JONES:

2                   No. No. No, no, no. This is not a  
3 question. This is a statement. Do you have a  
4 question?

5                   MR. O'TOOLE:

6                   No.

7                   JUDGE JONES:

8                   Mr. Totino?

9                   ATTORNEY TOTINO:

10                  No, Your Honor. I would just like to  
11 move my exhibits.

12                  JUDGE JONES:

13                  Okay. And those would be Exhibits 1  
14 through 11?

15                  ATTORNEY TOTINO:

16                  That's going to be 1 through 11, correct.

17                  JUDGE JONES:

18                  Including SW-3(a), (b) and (c).

19                  ATTORNEY TOTINO:

20                  Correct.

21                  JUDGE JONES:

22                  And Mr. O'Tcole, I have heard your  
23 objections. Do you have any further objections?

24                  MR. O'TOOLE:

25                  Only that this is a hearing for

1 electricity ---.

2 JUDGE JONES:

3 Do you have any further objections to the  
4 exhibits? Do you have any further objections to the  
5 exhibits?

6 MR. O'TOOLE:

7 No.

8 JUDGE JONES:

9 Thank you. They are admitted. Thank  
10 you, Mr. Ward.

11 A. Thank you, Your Honor.

12 JUDGE JONES:

13 You are excused. Mr. Totino, your last  
14 witness?

15 ATTORNEY TOTINO:

16 I am ready to call my final witness,  
17 Chris Wehr. His name is Chris Wehr. It's Chris,  
18 C-H-R-I-S, Wehr, W-E-H-R.

19 -----  
20 CHRIS WEHR, HAVING FIRST BEEN DULY SWORN, TESTIFIED AS  
21 FOLLOWS:

22 -----

23 JUDGE JONES:

24 Thank you. You may be seated. Mr.  
25 Tctino, you may proceed.

1                   ATTORNEY TOTINO:

2                   Thank you.

3 DIRECT EXAMINATION

4 BY ATTORNEY TOTINO:

5 Q. Please state your name and business address for  
6 the record.

7 A. My name is Christopher Wehr, W-E-H-R. My business  
8 address is 2800 Pottsville Pike, Reading, PA.

9 Q. Please describe your educational background?

10 A. Educational background, actually I have two  
11 Associate Degrees, one in specialized technologies and  
12 the second in electrical engineering.

13 Q. By whom are you employed and in what capacity?

14 A. I'm employed by Metropolitan Edison Company as a  
15 senior analyst in the rates and regulatory affairs  
16 department.

17 Q. If you could, please just briefly describe your  
18 work experience at Met. Ed.

19 A. Work experience, started with Met in 1988. I  
20 worked in the call center or customer contact center  
21 until 1991. At that point I moved to the other  
22 services in marketing of the department as an account  
23 executive working with the larger industrial  
24 commercial customers. In 1999, I moved to the rates  
25 and regulatory affairs department and am currently

1 there.

2 Q. Could you please describe your current job duties  
3 and responsibilities as a senior analyst?

4 A. My current responsibilities are to the company's  
5 retail tariffs for Metropolitan Edison company,  
6 Penelec, Penn Power as well as the supply coordination  
7 tariffs.

8 Q. And what is the purpose of your testimony today?

9 A. To discuss the tariff use related to Mr. O'Toole's  
10 complaint.

11 Q. Could you please identify the document that I've  
12 just handed you that we will ask to be marked as Met  
13 Ed Exhibit CW-1?

14 (Met Ed Exhibit CW-1 marked for  
15 identification.)

16 A. This Exhibit is a copy of Rule Seven for the Met  
17 Ed tariff relating to extension of company facilities,  
18 system upgrades.

19 BY ATTORNEY TOTINO:

20 Q. And are you sponsoring this exhibit for purposes  
21 of today's hearing?

22 A. Yes, I am.

23 Q. Could you please briefly describe what Met Ed's  
24 tariff is?

25 A. Met Ed's tariff is a tariff to a contract between

1 the company and the customer and it defines the terms,  
2 the conditions, the provisions about service and  
3 related services, under line extensions. And it would  
4 also contain the rates, the applicable rates, define  
5 the rates that customers pay, the ratio.

6 Q. And is this document publicly available, this  
7 tariff?

8 A. It is. It's available at the various offices.  
9 It's also available through the company's website. If  
10 you need to, you can go to the website and also on the  
11 PA Commission website.

12 Q. And does Rule Seven contain any provisions that  
13 would cover company/customer obligations for service  
14 upgrades?

15 A. Rule Seven, in general, contains provisions for  
16 line extensions for a single family residence, non-  
17 residential line extensions, temporary services in  
18 addition to service upgrades and their locations,  
19 specifically --- I'm sorry.

20 Q. No, that's okay. What about the specific part of  
21 Rule Seven dealing with service upgrades?

22 A. Specifically, Rule Seven, Section C begins on the  
23 last two pages of this exhibit. And it will address  
24 the relocations, modifications of these facilities.

25 Q. And what does Rule Seven specify in terms of

1 service upgrades?

2 A. In short, the first paragraph under Rule Seven  
3 states a result of a line extension or any other  
4 request that results in an expansion of its facility,  
5 an increase in the company's facility, construction of  
6 system upgrade or any system change to or modification  
7 to the company's electrical system, the customer shall  
8 pay all costs associated with this work in Rule Seven.  
9 And it further defines the company and customer  
10 obligations.

11 Q. Please identify the document that I've just  
12 provided to you, which we will ask to be marked as Met  
13 Ed Exhibit CW-2.

14 (Met Ed Exhibit CW-2 marked for  
15 identification.)

16 A. This exhibit is actually a portion of the  
17 company's metering service handbook, which can also be  
18 found in the company's website. The pages listed here  
19 are only a portion of the metering service handbook,  
20 which is relevant to the request for a 400amp or  
21 600amp service installation.

22 BY ATTORNEY TOTINO:

23 Q. And are you sponsoring this exhibit for purposes  
24 of today's hearing?

25 A. Yes, I am.

1 Q. If you could, just briefly describe the company's  
2 obligations with respect to service upgrades under  
3 Rule Seven and the company metering services handbook.

4 A. Okay. Referring back to Rule Seven C, on the  
5 second to last page, the company shall remove,  
6 relocate or change the company's facilities or  
7 temporarily interrupt service to a customer's  
8 premises, upon the customers request, where that  
9 removal, relocation, change or interruption is  
10 acceptable to the company. First of all, we have to  
11 approve the removal. As far as the service upgrade,  
12 again, typically if there's a request for the service  
13 the company needs to follow it up by looking at that  
14 request and evaluate the meter request and really  
15 determine what's needed. In addition to that, we  
16 would actually provide an estimate, which would be the  
17 cost for that upgrade.

18 For the second exhibit, CW-2 --- look at it page  
19 by page, it further describes the use of customer  
20 service, the specifics related to the inspections and  
21 further details the obligations for the customer as  
22 well as defines the requirements for underground  
23 service trenching.

24 Q. And what are the customer's obligations regarding  
25 a request for a service upgrade that would be relevant

1 to Mr. O'Toole's complaint here?

2 A. The customer's obligations?

3 Q. Correct.

4 A. Would be basically to make the request and to pay  
5 the direct utility or the costs associated with that  
6 upgrade in addition to service related requests.

7 Q. Now, for the 400 or 600amp upgrade that Mr. Ward  
8 discussed, what would be required of the customer in  
9 terms of --- and that nature?

10 A. For the 400 amp service and the 600 amp service  
11 there's some time specifications, meaning Mr. O'Toole  
12 would need to provide the trenching, the screening,  
13 the backfilling, the --- any associated conduit.

14 Q. Would inspections be ---?

15 A. Inspections would be part of that. For the 400  
16 amp service Mr. O'Toole would also need to provide the  
17 meter base and associated service wiring. When you  
18 get to a large service, there's some special  
19 requirements that would need a larger 400 amp or  
20 greater services where we can't feed direct meters, so  
21 we have required the installation of some additional  
22 equipment, the cap in which houses the current  
23 transformer, which the cap would be provided and  
24 installed by Mr. O'Toole. We provide the current  
25 transformers and also --- to fix the situation.

1 The other main difference between a 400 amp  
2 service and a 600 amp service is 400 amp service, the  
3 company provides the service wire at a cost with a  
4 provision to that, at a cost to the customer where a  
5 600 amp service is the customer's obligation to  
6 provide that and provide and install the service  
7 requirements.

8 Q. How about the transformer?

9 A. Any costs associated with switching a transformer  
10 are also allocated to the direct cost for that job and  
11 it would be --- Mr. O'Toole would be responsible for  
12 that.

13 Q. Now, in terms of Rule Seven, when did this current  
14 version of Rule Seven take effect?

15 A. The current version took effect April 12th, 2002.

16 Q. So am I correct that the current version of Rule  
17 Seven that has been marked as CW-1, that would have  
18 been in effect when Met Ed had its conversations with  
19 Mr. O'Toole in September of 2002 regarding a service  
20 upgrade?

21 A. Yes, September --- you are correct.

22 Q. And based on your own knowledge and experience and  
23 the testimony that you've heard today, did Met Ed  
24 follow with Rule Seven?

25 A. Yes, Met Ed did comply with Rule Seven.

1 Q. Now, you mentioned that the revisions for the  
2 current version of Rule Seven was effective in April  
3 of 2002. How, if at all, was the prior Rule Seven  
4 different in terms of Rule Seven and service upgrades?

5 A. Rule Seven, itself, went through a basic rewrite  
6 of the material description of the customer's  
7 responsibility. Rule Seven did not change prior ---.

8 Q. And would the same also be true for the company's  
9 obligations with respect to service upgrades?

10 A. That's correct.

11 Q. Now, Mr. Wehr, are you familiar with the  
12 allegations raised in the formal complaint? And I  
13 believe they were raised by Complainant here today  
14 that Met Ed's tariff is not clear, that the company is  
15 ---?

16 A. Yes, I am.

17 Q. And do you agree with this allegation?

18 A. No, I don't.

19 Q. If you could, please identify the document that  
20 I've just handed you that we will ask to be marked as  
21 Met Ed Exhibit CW-3?

22 (Met Ed Exhibit CW-3 marked for  
23 identification.)

24 A. This document is actually a copy of the  
25 Metropolitan Edison Company's notice page and a copy

1 of the second page, the title page.

2 BY ATTORNEY TOTINO:

3 Q. Are you sponsoring this exhibit today?

4 A. Yes, I am.

5 Q. And if you could, just please tell us where on the  
6 document the company's identified?

7 A. On the first page of the exhibit, it's at the top  
8 of the document located in the center, Metropolitan  
9 Edison Company. And on the second page, and in  
10 addition to the second page, on every page of the  
11 tariff, the upper left hand corner is identified as  
12 Metropolitan Edison Company.

13 Q. Now, are you also familiar with the allegations  
14 raised in the formal complaint and raised here today  
15 by Mr. O'Tcole that Met Ed's tariff is self-serving  
16 and makes contradictions?

17 A. I'm aware of the allegations and I disagree. I  
18 disagree with the fact that most facilities, while  
19 their tariffs will address more of their specific  
20 needs, again, if they --- tariffs which define the  
21 rules, regulations, the rates, the terms or provisions  
22 of service are very clear and follow guidelines from  
23 the PUC rule. So while they might appear to be self-  
24 serving, that depicts more of just addressing the  
25 specific needs of the individual.

1 Q. And Met Ed's tariff was, in fact, approved by the  
2 Commission?

3 A. Yes it was.

4 Q. Now, were you here this morning for Mr. O'Toole's  
5 testimony regarding the packet --- that was raised?

6 A. Yes, I was.

7 Q. And if you could just be brief, how if at all did  
8 the structuring impact customer rates generally?

9 A. In general, the structuring really --- of rates.  
10 Prior to restructuring, Met Ed was the sole provider  
11 for electricity, electricity through its lines. That  
12 was subsequently then broken up or unbuckled and that  
13 was the distribution transmitted ---. The legislation  
14 really broke up the --- what is called the monopoly,  
15 came to us and said, other generators can now sell  
16 their generation to our retail customers. But really  
17 the only thing that occurs as a result of the change  
18 was the companies who told them they'd lower their  
19 rates, but they also were told to cap their rates and  
20 agreed to cap their rates until some time period.

21 Q. And are Met Ed's rates still capped?

22 A. Yes, they are.

23 Q. Now, based on your experience, what is the typical  
24 amperage for a residential dwelling?

25 A. A residential dwelling, again, depends on the type

1 of load that the customer has out there, whether the  
2 primary resource is electric or non-electric. Non-  
3 electric might be one amp service. Typically electric  
4 to heat the house, so you're looking at 200 amp  
5 service.

6 Q. I think you were here this morning for Mr.  
7 O'Toole's testimony regarding his need for anywhere  
8 from 800 amps to 1,500 to 2,000 amps of service?

9 A. Yes, I was.

10 Q. And in your opinion and based on your experience,  
11 would it be appropriate for the company to amend to  
12 such a service upgrade given the status of Mr.  
13 O'Toole's ---?

14 A. I don't believe it would be appropriate. It seems  
15 very excessive, a service size of that magnitude would  
16 be soft fluorescents.

17 Q. Now, I take it if the company were to commence an  
18 upgrade of that magnitude, it would be the same  
19 obligations under Rule Seven and the company's  
20 metering service handbook apply?

21 A. There probably would be some additional  
22 requirements for the larger services, in addition to  
23 current transformers, CTs. There might be some  
24 additional plans, service requirements.

25 Q. Now, were you here this morning also for the

1 testimony that Mr. O'Toole provided with regard to  
2 taxes?

3 A. Yes, I was here.

4 Q. What taxes, if you know, appear on a customer's  
5 bill at this point?

6 A. For a residential customer, the only taxes that  
7 I'm familiar with would be a state sales tax, which  
8 might occur if a builder is building a house, so it  
9 becomes a primary residence, state sales tax might  
10 apply. But the only taxes for a primary residence  
11 would be state tax, customer surcharge, which is  
12 something that is a direct result of new budgeting  
13 passed in Pennsylvania or tax law changes. It's a  
14 reflection of a change in taxes that is already built  
15 or established in base rates.

16 Q. So then is it fair to say that this tax is not a  
17 fixed tax?

18 A. It's not a fixed tax. Correct.

19 Q. And doesn't need Commission approval for this  
20 taxing change?

21 A. Yes, it does. We have to inform the Commission  
22 and get it approved.

23 Q. If you could then, Mr. Wehr, just briefly  
24 summarize your testimony for us?

25 A. In summary, I think the --- I feel the Met Ed

1 tariff is lawful. It was prepared, filed in  
2 accordance with the applicable laws, the PUC  
3 guidelines. And I think that was approved by the  
4 Commission.

5 I think the application of the charges associated  
6 with the upgrades in relation to Mr. O'Toole's request  
7 are in compliance with Rule Seven or applicable.

8 Q. Anything further to add to your testimony?

9 A. No.

10 ATTORNEY TOTINO:

11 Mr. Wehr's available for Cross.

12 JUDGE JONES:

13 We are off the record.

14 OFF RECORD DISCUSSION

15 JUDGE JONES:

16 Okay. We are back on the record and I  
17 believe the witness is ready for your Cross  
18 Examination, Mr. O'Toole.

19 MR. O'TOOLE:

20 I'll try and make it brief.

21 JUDGE JONES:

22 Thank you.

23 CROSS EXAMINATION

24 BY MR. O'TOOLE:

25 Q. Are you saying 200 amp service is adequate for a

1 four to five bedroom house in today's electrical  
2 market?

3 A. Yes, sir.

4 Q. Is that what you believe?

5 JUDGE JONES:

6 No. Please answer the question, Mr.  
7 Wehr.

8 A. In typical situations the new houses that we see  
9 that apply for service is 200 amp services, so more  
10 than adequate.

11 BY MR. O'TOOLE:

12 Q. 800 amp, would you say that 800 amp was  
13 sufficient for three farms? My property can be  
14 divided into three farms.

15 ATTORNEY TOTINO:

16 Objection. I don't know --- I don't  
17 recall Mr. Wehr saying that.

18 JUDGE JONES:

19 Sustained.

20 BY MR. O'TOOLE:

21 Q. Do the tax laws change monthly?

22 ATTORNEY TOTINO:

23 Objection. Mr. Wehr is not a tax lawyer.

24 JUDGE JONES:

25 Mr. --- wait. Wait. Mr. Totino, I'm

1 aware that Mr. Wehr is here to testify as far as the  
2 administration of the retail tariffs of the company.  
3 However, Mr. Wehr in his testimony did state that he  
4 thought that there was tax representation on the bill  
5 and he referred to the status as far as the state tax  
6 adjustment surcharge. So I am going to allow the  
7 question.

8 ATTORNEY TOTINO:

9 If that's what the question is about,  
10 then that's fine. I have no objection to it, just  
11 generally.

12 JUDGE JONES:

13 Mr. O'Toole, I'm allowing you the  
14 question.

15 MR. O'TOOLE:

16 Okay.

17 JUDGE JONES:

18 Wait. Don't you want the witness to  
19 answer?

20 MR. O'TOOLE:

21 Yes. That was the ---.

22 JUDGE JONES:

23 Now, he just asked for you to repeat the  
24 question.

25 BY MR. O'TOOLE:

1 Q. Do the tax laws change monthly, as I was told?

2 A. I'm saying that the tax law ---. I don't --- they  
3 have not provisionally changed monthly. The status  
4 adjustment typically occurs on January --- on an  
5 annual basis. There has been occasions where the  
6 status has changed prior to that to reflect a tax law  
7 change. I can't predict when these tax laws will  
8 change, but the status is to --- is the use of this  
9 method is to collect revenues for the state as a  
10 result of those changes. Sometimes we are directed to  
11 change the status as a result of the changes.

12 Q. They're not monthly?

13 A. No. No.

14 Q. May I make one suggestion?

15 JUDGE JONES:

16 Okay.

17 BY MR. O'TOOLE:

18 Q. You need to ---.

19 JUDGE JONES:

20 Mr. O'Toole, remember, this is Cross.

21 MR. O'TOOLE:

22 Yeah.

23 JUDGE JONES:

24 Okay. This is not testimony.

25 MR. O'TOOLE:

1 Right.

2 BY MR. O'TOOLE:

3 Q. You need to re-educate some of your people ---.

4 ATTORNEY TOTINO:

5 Objection.

6 JUDGE JONES:

7 Mr. O'Toole, that is not a question. It  
8 is a suggestion.

9 MR. O'TOOLE:

10 Yes.

11 JUDGE JONES:

12 But it's not a question.

13 MR. O'TOOLE:

14 No. I said, may I make a suggestion.

15 JUDGE JONES:

16 And I cautioned you that this is  
17 questions. Okay? So I guess I was trying to say in a  
18 nice way, no.

19 MR. O'TOOLE:

20 Well, I was trying to say in a nice way  
21 that ---

22 JUDGE JONES:

23 You would like to make ---.

24 MR. O'TOOLE:

25 they have the wrong information.

1                   JUDGE JONES:

2                   Okay. Duly noted. Ask another question  
3 or conclude.

4 BY MR. O'TOOLE:

5 Q. Why haven't I been given a copy of the tariffs  
6 that I've been asking for?

7 A. I'm not sure if that's a question directly related  
8 to me, but a copy of the tariffs can be found on our  
9 First Energy's corporate website. You can go to any  
10 one of the local offices. You can access the website  
11 through --- here at the library. You can come right  
12 here to this building and request a copy of the  
13 tariff. There could probably be some charge for a  
14 hard copy of that tariff, but it is available here for  
15 you.

16 Q. I've been asking for it for a long time.

17                   ATTORNEY TOTINO:

18                   Objection.

19                   JUDGE JONES:

20                   Sustained.

21                   MR. O'TOOLE:

22                   No more questions.

23                   JUDGE JONES:

24                   Thank you, Mr. O'Toole. I don't think I  
25 have any questions for you, Mr. Wehr. Mr. Totino, do

1 you have any Redirect?

2 ATTORNEY TOTINO:

3 No, I do not.

4 JUDGE JONES:

5 Mr. Wehr, thank you for your patience.

6 You are excused.

7 ATTORNEY TOTINO:

8 The only housekeeping details --- move  
9 first into evidence our exhibits.

10 JUDGE JONES:

11 Exhibits One, Two and Three ---

12 ATTORNEY TOTINO:

13 Correct.

14 JUDGE JONES:

15 --- CW-1, 2 and 3. Mr. O'Toole ---

16 MR. O'TOOLE:

17 Yes.

18 JUDGE JONES:

19 --- do you have any objections to these  
20 exhibits?

21 MR. O'TOOLE:

22 Not really.

23 JUDGE JONES:

24 They are admitted into the record.

25 MR. O'TOOLE:

1           If I haven't had a chance to read them, I  
2 can't object to what I don't know.

3           JUDGE JONES:

4           Mr. Totino, do you have any other  
5 witnesses?

6           ATTORNEY TOTINO:

7           I don't believe, Your Honor.

8           JUDGE JONES:

9           You are resting?

10          ATTORNEY TOTINO:

11          Yes.

12          JUDGE JONES:

13          Mr. O'Toole, we have completed your  
14 presenting your case, the company rebutting your  
15 presentation as addressing your complaint. I believe  
16 you are aware, but I need to make sure that you've  
17 heard from this ALJ that there will be a time frame  
18 for me to consider the record and to issue an initial  
19 decision. At the time that I do issue the initial  
20 decision there will be a letter as a cover letter to  
21 the initial decision to you as well as to the company.

22                 In that letter it will state that you  
23 have 20 days to consider the initial decision and if  
24 you should object to anything that is written in the  
25 initial decision and/or the outcome, that you are free

1 to file written exceptions. At that time the company  
2 can also file written exceptions. Twenty (20) days is  
3 the deadline for that to occur. If and when there are  
4 exceptions to the initial decision, then the other  
5 party is free to respond within ten days. Those are  
6 called reply exceptions. The reply exceptions are to  
7 just address the exceptions that were filed.

8           After the reply exceptions are submitted  
9 then the five --- well now four Commissioners sitting  
10 will consider the initial decision, the recommended  
11 decision, the exceptions as well as the reply  
12 exceptions and issue a ruling. Do you understand  
13 that, Mr. O'Toole?

14           MR. O'TOOLE:

15           I am attempting to, yes.

16           JUDGE JONES:

17           So what will happen after closing out  
18 this record, I will close out this record upon  
19 receiving Mr. Totino's Exhibit RS ---

20           ATTORNEY TOTINO:

21           One.

22           JUDGE JONES:

23           --- One amended. I will issue a letter  
24 stating that I have received that and that I am  
25 closing the record for any further admission of

1 evidence. I will then start drafting my recommended  
2 decision. Do you understand that, Mr. O'Toole?

3 MR. O'TOOLE:

4 As I said, I'm attempting to.

5 JUDGE JONES:

6 Okay. Do you have any questions in  
7 response to what I have imparted to you?

8 MR. O'TOOLE:

9 None that I can think of right now.

10 JUDGE JONES:

11 Okay. All right. Gentlemen, I thank you  
12 for your professionalism and also the long wait. I  
13 did not expect that this would be as lengthy a  
14 proceeding, but I am glad we did endure. Mr. O'Toole,  
15 I hope that your disability is able to make your drive  
16 home safe.

17 MR. O'TOOLE:

18 Oh, it will be safe.

19 JUDGE JONES:

20 Okay. Mr. Povilaitis, you have something  
21 further?

22 ATTORNEY POVILAITIS:

23 Just a brief matter of record  
24 clarification was a discussion on the record today  
25 about underground requirements. And I would like to

1 offer for purposes of clarifying the record that the  
2 existing underground services, electrical service  
3 requirements are those set by the Pennsylvania Public  
4 Utility Commission and are found in Title 52, Sections  
5 57.81 through 57.88.

6 JUDGE JONES:

7 57.81 through 88?

8 ATTORNEY POVILAITIS:

9 Yes.

10 JUDGE JONES:

11 Thank you for that clarification. Is  
12 there anything further?

13 ATTORNEY TOTINO:

14 Nothing else.

15 MR. O'TOOLE:

16 Nothing that I can say.

17 JUDGE JONES:

18 Hearing none, I expect to close the  
19 record on --- tomorrow after receipt of Mr. Totino's  
20 exhibit amended. Thank you. We are adjourned.

21  
22 \* \* \* \* \*

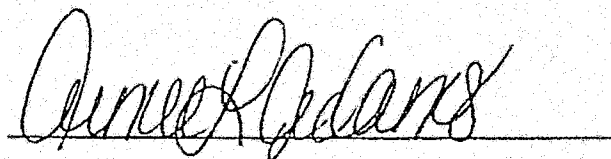
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C E R T I F I C A T E

I hereby certify that the  
foregoing proceeding 10/26/04 JONES  
was reported by me, that I have read this  
transcript on 11/13/04, and I attest  
that this transcript is a true and  
accurate record of the proceeding.



Court Reporter

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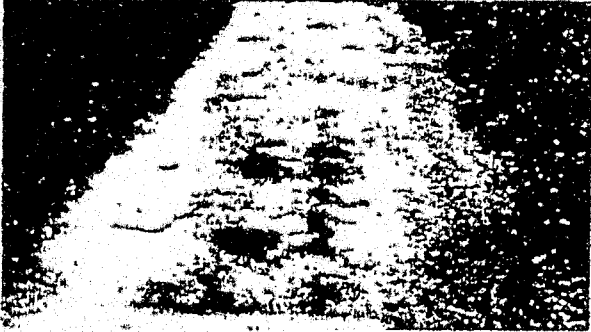
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C E R T I F I C A T E

I hereby certify that the  
foregoing proceeding 10/26/01 JONES  
was reported by me, that I have read this  
transcript on 11/15/04, and I attest  
that this transcript is a true and  
accurate record of the proceeding.

Stephan M. O'D  
Court Reporter

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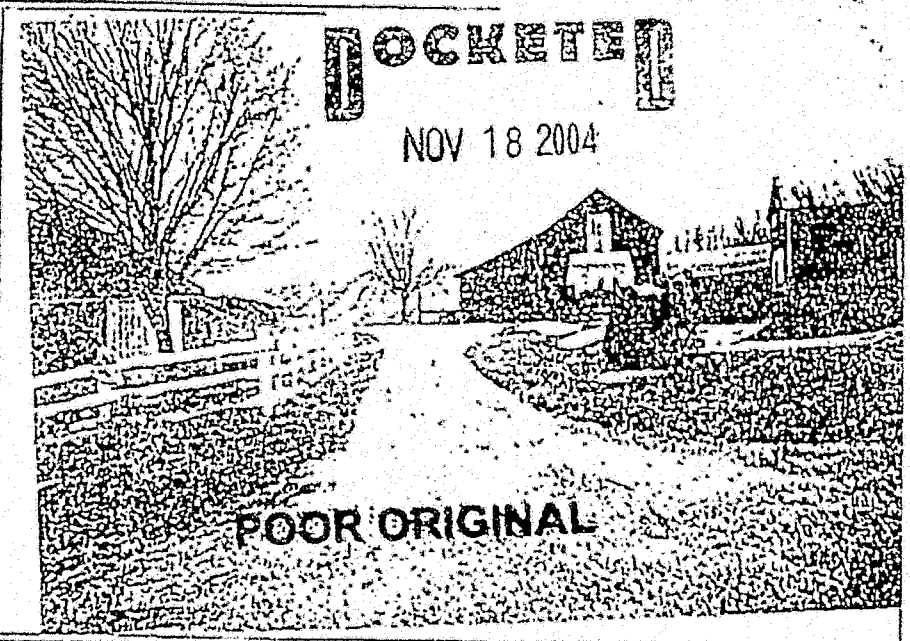
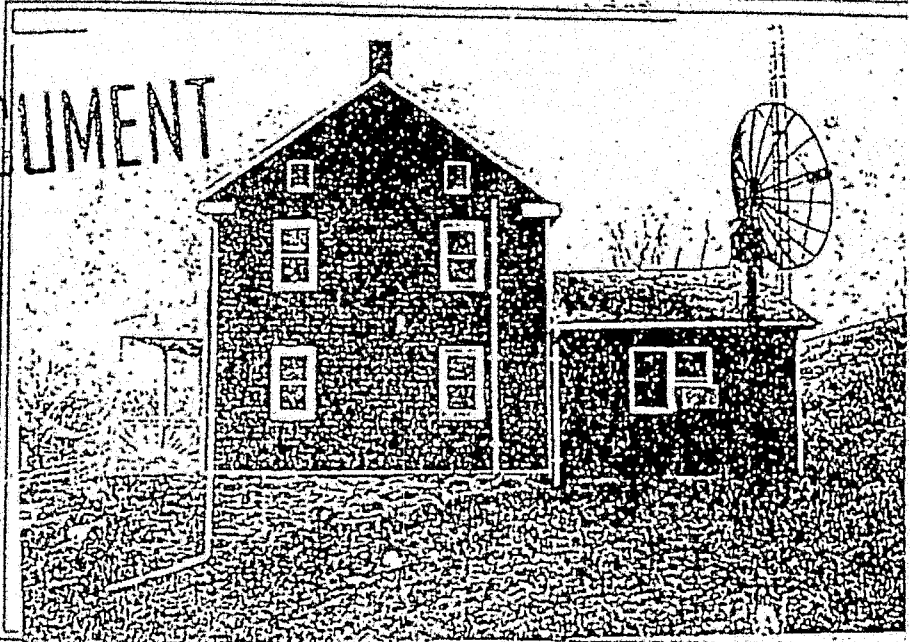
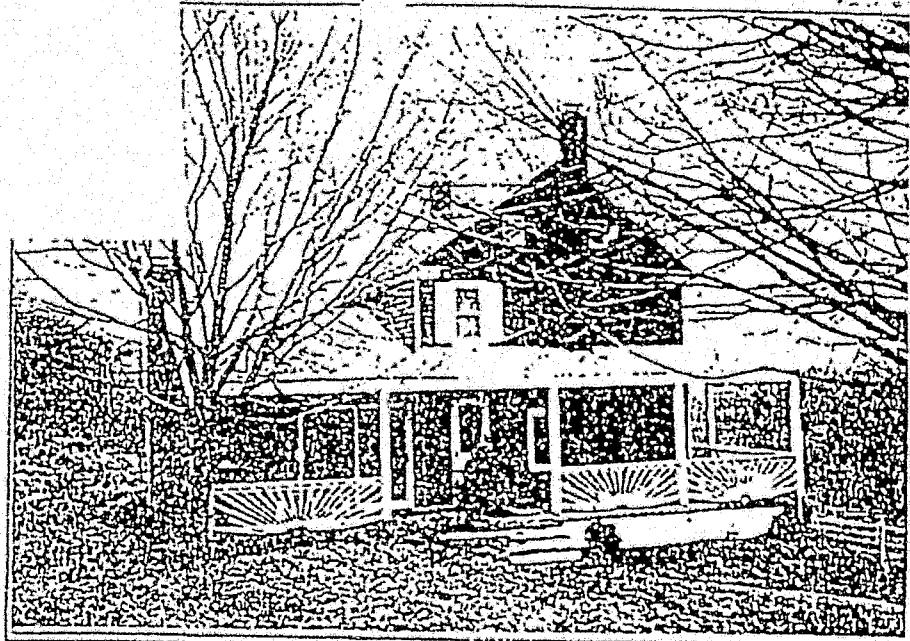
Front end of a horse



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MET-ED - ACCOUNT STATEMENT  
EDWARD O'TOOLE  
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EXHIBIT  
RS-1

DOCUMENT

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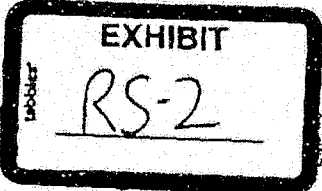
SERVICE TO	PA PUBLIC UTILITY COMMISSION DAYS SECRETARY'S BUREAU	KWHS	AVERAGE DAILY KWH CONSUMP	BILL AMT.	DUPLICATE DATE	LPC APPLIED	PYMT. DATE	AMOUNT PAID	BALANCE
10/1/04	28	5850	A	1332	48	136.39	11/01/04	17.36	\$1,309.06
09/13/04	34	4518	A	1072	32	113.02	10/04/04	15.90	1,172.67
08/10/04	29	3446	A	959	33	87.59	08/31/04	-	1,059.65
07/12/04	32	2487	A	1311	41	117.25	08/02/04	-	972.06
08/10/04	31	1176	A	1024	33	93.07	07/01/04	-	854.81
Rebill Below									
05/10/04	32	152	E	1056	33	85.78	06/03/04	-	761.74
As Billed									
05/10/04	32	69206	E	976	31	89.02	06/01/04	-	
04/08/04	29	68232	A	923	32	84.56	04/29/04	-	685.98
03/10/04	28	67309	A	905	32	83.04	03/31/04	665.00	1,246.40
02/11/04	30	66404	A	938	31	85.82	03/03/04	-	1,163.36
01/12/04	34	65466	A	568	17	54.87	02/02/04	-	1,077.54
12/09/03	32	64898	E	1536	48	136.32	12/30/03	-	1,022.87
11/07/03	29	63382	A	939	32	85.98	12/01/03	-	886.55
10/09/03	29	62423	A	810	31	83.52	10/30/03	-	800.57
09/10/03	29	61513	A	1005	35	91.54	10/01/03	-	717.05
08/12/03	31	60508	A	1205	39	110.07	09/02/03	1.67	625.51
07/12/03	31	59303	A	892	32	84.83	08/04/03	4.49	515.44
06/11/03	30	58311	A	896	30	85.38	07/02/03	3.03	721.51
05/12/03	32	57415	A	976	31	89.09	06/02/03	-	838.13
04/10/03	29	56438	A	900	31	82.68	04/30/03	-	547.04
03/12/03	28	55539	A	841	32	\$86.14	04/01/03	-	\$464.36
02/11/03	31	54598	A	994	32	94.85	03/03/03	-	378.22
01/11/03	30	53604	A	748	37	80.22	01/31/03	-	878.22
12/12/02	34	52856	E	1632		152.52	01/02/03	-	783.37
11/08/02	30	51224	A	1374	46	122.53	12/02/02	-	703.15
10/09/02	28	49850	A	1433	49	127.49	10/29/02	-	550.63
09/10/02	32	48417	A	1792	56	157.74	09/30/02	-	428.10
									300.61

C-700 30854

MET-ED ACCOUNT STATEMENT  
 EDWARD O'TOOLE

Account Number 10 00 17 7382 8.5

SERVICE TO	DAYS	MTR. RDG.	TYPE	KWHS	AVERAGE DAILY KWH CONSUMP	BILL AMT	DUE DATE	LPC APPLIED	PYMT. DATE	AMOUNT PAID	BALANCE
08/09/02	29	46625	A	1616	56	142.87	08/30/02	-	07/17/02	149.00	142.87
07/11/02	30	45009	A	1690	56	149.00	07/31/02	-	07/08/02	268.82	149.00
06/11/02	33	43319	A	1616	49	142.77	07/01/02	-	-	-	287.82
05/09/02	29	41703	A	1411	49	125.51	05/28/02	-	05/02/02	120.00	126.05
04/10/01	29	40292	A	1352	47	120.54	04/30/02	-	03/27/02	263.25	120.54
03/12/01	29	38940	A	1290	44	116.94	04/03/02	-	-	-	263.25
02/11/02	26	37650	A	1208	43	108.25	03/04/02	-	01/25/02	400.00	146.31
01/14/02	34	36444	A	1389	41	122.38	02/11/02	-	-	-	438.06
12/11/01	29	35055	A	1400	48	122.37	01/09/02	-	-	-	315.80
11/12/01	31	33655	E	818	26	74.33	12/10/01	-	10/30/01	290.00	183.33
10/12/01	30	32836	A	1282	43	114.62	11/09/01	2.01	-	-	409.00
09/12/01	30	31554	A	1540	51	133.95	10/09/01	-	-	-	294.38
08/13/01	32	30014	A	1757	55	154.40	09/10/01	-	07/30/01	170.48	160.43
07/12/01	29	28257	A	1982	68	170.48	08/09/01	-	07/13/01	400.00	176.51
06/13/01	34	26275	E	766	23	71.40	07/09/01	-	06/13/01	173.00	401.03
05/10/01	28	25509	A	1066	37	97.34	06/07/01	-	-	-	507.63
04/11/01	30	24443	A	1642	55	142.37	05/07/01	-	-	-	410.29
03/12/01	30	22801	E	280	10	30.60	05/07/01	-	02/13/01	250.00	267.92
02/10/01	30	22511	A	984	32	86.14	03/07/01	-	-	-	487.32
01/11/01	30	21547	A	1512	50	131.98	03/07/01	.35	01/12/01	200.00	401.18



Closing/Burn Report Case # 1331470

Customer Information

First Name: EDWARD Last Name: OTOOLE Account Number: 888888888

Address 1: 13152 RENNOLL ROAD

Address 2:

City: GLEN ROCK State: PA Postal Code: 17327-

Home Phone: ()- WorkPhone: ()-

DOCUMENT

Address 1:

Address 2:

City: State: Postal Code: -

Adults Children Age:

Date Opened: 03/06/2003 Received Date: 03/06/2003 Prepared Date:

Completed Date: Date Closed: 04/07/2003

Prepared By:

Prepared By: Jennifer A Stewart/GPU Phone: (610)-3755185 Prepared by Email: jastewart@gpu.com

Prepared by Fax: (717)-3988508

Case Information

Decision Issue: Y Oral Written: W Violation: NO

Chapter: Section Rule: Head Date: Bill Date: Total Balance: \$464.00

Serv. Continue Date: Sp. Budget Amt.: Rg. Budget Amt.:

Serv. Restore Pay: Arrears Pay Plus: Final Monthly Pay:

Current Monthly Pay: End Monthly Pay: Reconnect Amt.:

Pay Amt.: Terms:

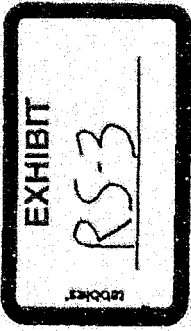
Paragraph: Letter Desc:

Resolution: COMPL DISMISSED; BILLS CORRECT AS RENDERED BASED ON METER ACCURACY, POTENTIAL FOR USAGE BEG W/BILL DUE 5/03 CUST MUST PAY ALL CB'S AS DUE PLUS ADD'L \$15/MO T/ARREARS UNTIL ACCT BAL PAID IN FULL. NO LPCS.

NOV 18 2004

BCS Inv. First Name: KATHY BCS Inv. Last Name: GILSON BCS Invest. Phone: ()-

BCS. Int First Name: BCS. Int Last Name: BCS Fax: (717)-7876641



MET-ED  
HIERARCHY OF INFORMAL COMPLAINTS

Name: Edward O'Toole Account Number: 100017738285

BCS Case #	Date	Subject of Complaint	Company/BCS Findings	Outcome
BCS # 1331170	03/06/03	High bill/inadequate service	1) Meter tested accurately w/in PUC guidelines 2) Based on number appliances found at property during on-site visit, potential exists for billed usage	Dismissed, Beginning 5/03, CB + \$15 towards arrearages
BCS # 1273981	11/7/02	Momentary power outages/service upgrade	1) No service complaints from other customers on Mr. O'Toole's line 2) Company's side of service and facilities adequate 3) Mr. O'Toole advised of requirements for service upgrade	Verbal close by BCS, 11/20/02.
BCS # 1050598	11/13/01	High bill	1) Meter and voltage were tested and found to be accurate 2) Based on appliance inventory provided by the customer to Met-Ed, usage more than justified	Verbal close by BCS, 2/12/02; formal complaint filed but satisfied

C-200 308 54

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EXHIBIT  
WL-1

NOV 18 2004  
Kwh meter test - field - Edward O'Toole, 13152 Rembol Rd, Glen Rock, Pa

Display Results: Characteristic Overview

Insp. method Control chart Histogram Run values (run cha

4380  
789800023893  
0018 MANU/METER TEST

Inspector, Inspection Date and Time  
6  
5  
Administrative data  
Inspector M8365  
Start date 07/05/2001 Insp. end date 07/05/2001  
Insp. start time 09:08:37 Insp. end time 09:08:37

General Summarized Unit to be inspected Indicators

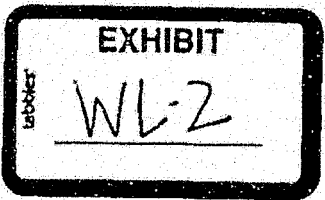
Insp. unit V89201352

Force Further details...

I	Info	Info	Info	Short text for the inspection charac.	Ch.	In	S	Specifications	Result	D	Addr. In'o	Te	insp.desc	V	HL
1				TESTER - FIELD	5	1	5	MANUAL TESTER	3721 M8365 CAREY...						
1				STANDARD TEST EQUIPMENT	10	1	5	STANDARD	STD STANDARD		2425				
1				AS FOUND INDEX	20	1	5	0.000..99999.9..	27884.080						
1				AS LEFT INDEX	30	1	5	0.000..99999.9..	27884.080						
1				TEST LOCATION - METERS	40	1	5	TEST LOCATION	2000 METROPOL:TA...						
1				TEST REASON	50	1	5	REASON FOR IN	04 COMPANY REQUE...						
1				AS FOUND 1 SERIES LIGHT LOAD	60	1	5	90.00..110.00 %	100.69						
1				AS FOUND 1 SERIES FULL LOAD	70	1	5	90.00..110.00 %	100.70						
0				AS FOUND 1 SERIES POWER FACTOR	80	1	0	90.00..110.00 %							
1				AS FOUND 1 WEIGHTED AVERAGE-MANUAL	90	1	5	98.00..102.00 %							
1				AS LEFT 1 SERIES LIGHT LOAD	160	1	5	99.50..100.00 %	99.58						
1				AS LEFT 1 SERIES FULL LOAD	170	1	5	99.50..100.00 %	99.78						
0				AS LEFT 1 SERIES POWER FACTOR	180	1	0	99.00..101.00 %							
1				AS LEFT 1 WEIGHTED AVERAGE-MANUAL	190	1	5	99.50..100.00 %							
1				COMMENT	280	1	5	COMMENT test	C COMMENT				V 245,122...		

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**Display Results: Characteristic Overview**

Insp. method  
  Control chart  
  Histogram  
  Run values (run char)

Meter: 4300  
 Insp. unit: 70009323152  
 Operator: 8010  
 AUTOMATED METER TEST  
 Plot: 2000

General  
  Summarized  
  Unit to be Inspected  
  Indicators

Inspector: Inspection Date and Time

Char: 16  
 STANDARD TEST EQUIPMENT  
 Status: 5  
 Processing is complete

Administrative data

Inspector: AMS  
 Start date: 06/18/2004  
 Insp. end date: 06/18/2004  
 Insp. start time: 06:26:19  
 Insp. end time: 06:26:19

Insp. unit: W89201352

i	Info.	Info.	Info.	Short text for the inspection charac.	Ch...	In...	S...	Specifications	Result	D. Addit. Info...	Te...	Insp. desc...	V...	Hi...
1				STANDARD TEST EQUIPMENT	10	1	5	STANDARD	STD STANDARD	238	0		✓	
1				AS FOUND INDEX	20	1	5	0.000 .. 99999.9 ..	69135.600		0		✓	15
1				AS LEFT INDEX	30	1	5	0.000 .. 99999.9 ..	0.000		0		✓	15
1				TEST REASON	40	1	5	REASON FOR IN	97 RCUNTINE- MIS...		0		✓	
1				AS FOUND 1 SERIES LIGHT LOAD	50	1	5	90.00 .. 110.00 %	99.51		0		✓	15
1				AS FOUND 1 SERIES FULL LOAD	60	1	5	90.00 .. 110.00 %	99.67		0		✓	15
1				AS FOUND 1 SERIES POWER FACTOR	70	1	5	80.00 .. 110.00 %	99.51		0		✓	15
1				AS FOUND 1 WEIGHTED AVERAGE	80	1	5	98.00 .. 102.00 %	99.64		0		✓	15
1				AS LEFT 1 SERIES LIGHT LOAD	150	1	5	99.50 .. 100.30 %	99.51		0		✓	15
1				AS LEFT 1 SERIES FULL LOAD	160	1	5	99.50 .. 100.30 %	99.67		0		✓	15
1				AS LEFT 1 SERIES POWER FACTOR	170	1	5	99.00 .. 101.00 %	99.51		0		✓	15
1				AS LEFT 1 WEIGHTED AVERAGE	180	1	5	99.50 .. 100.30 %	99.64		0		✓	15
0				COMMENT	270	1	0	COMMENT TEST			0			

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EXHIBIT  
WL3

Kwh Meter G25511403 Mfg. Test - Edward O'toole, Installed from 05/06/04

**Display Results: Characteristic Overview**

Insp method:  Control chart  Histogram  Run values (run chart)

Material: 4380  
Info ID: 4056  
Order No: 8818 Manufacturer's test

Inspector: ANS  
Start date: 02/23/2004 Insp. end date: 02/23/2004  
Insp start time: 13:12:23 Insp. end time: 13:12:23

insp unit: 625511403

In...	Info...	Info...	Info...	Short text for the inspection charac	Ch...	In...	S...	Specifications	Result	D. Addit. Info...	Te...	insp.desc...	V...	Hi...
864				STANDARD TEST EQUIPMENT	10	864	5	STANDARD	STD STANDARD	MFO	0		✓	
864				TEST REASON	20	864	5	REASON FOR IN	86 NEW		0		✓	
864				AS LEFT 1 SERIES LIGHT LOAD	30	864	5	99.50 .. 100.30 %	99.87		0		✓	0.5
864				AS LEFT 1 SERIES FULL LOAD	40	864	5	99.50 .. 100.30 %	99.93		0		✓	0.5
864				AS LEFT 1 SERIES POWER FACTOR	50	864	5	99.00 .. 101.00 %	100.30		0		✓	0.5
864				AS LEFT 1 WEIGHTED AVERAGE	60	864	5	99.50 .. 100.30 %	100.03		0		✓	0.5

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EXHIBIT  
WL-4

Wendell R Leppo

09/13/2002 06:10 PM

To: Brian E. Lowe/CEI/FirstEnergy@FirstEnergy  
cc: Bob Stump/GPU@GPU, Gregory F. Hussing/FirstEnergy@FirstEnergy, Wendell R Leppo/GPU@GPU

DOCUMENT

Subject: Re: O'Toole Mtg Friday September 13, 2002 at 9:00 a.m

Hi Brian, Here is my info, use what you concur. (Copied Greg for info - this is PUC Case - keep close)

The following was can be noted:

The driveway to this location is narrow and appears as stone/ dirt field equipment drive, guttered, with high grass either side and center of path with field corn close to each side. No room for turn-a-rounds. Farm is not visible from main roadway. Meter Reader can not easily find. Address on mail obx at road had 1178 13152 numbers. First number was old address.

Customer's house, barn, 'stable' and other small out buildings built on a ridge facing a valley is served from a single phase spur - 7620V - primary wire on top and neutral below with telephone wire below neutral. Three spans of the overhead line in open fields over the hill profile serving his house were visible from the front of the house. The last span of overhead wire to the transformer pole sags normally through a grade/ dip in the field with the pole at the house at a higher elevation than the other at the edge of the field along the drive. The two poles back the tap of the spur are in open field's area and may be impacted by lightning at times. It's unknown if this occurs, though he claims he is getting surges in the house

He continues to be concerned that the wires over the field (the dip noted above) are 'too low' and the phone line is too close to our wires as he believes he is getting an induced voltage in the phone wire. Telephone man was there to repair their wires and when he started working on the interface box, it sparked and burned with over 200 volts measured. Interface box had to be replaced. Interface box did not appear as a standard telephone box, but Mr. O'toole may have requested other at the time.

Note: the telephone wires had been raised on the transformer pole by approximately five feet to a new attachment (j-hook) on the side which placed the span of phone wire closer to the neutral. The old dead-end bolt and phone company anchor guy were still intact. Anchor should have been raised to new phone wire attachment position.

He described a concern that there was a flash at the top of the transformer and it traveled down between the pole and the guy wire a few days prior. There was a small tree with brown leaves around the guy wire at ground level which seemed to indicate such occurrence, though not confirmed. Unable to verify if burned areas at top of pole or on guy wire from ground level. Grounding on transformer and down the pole appeared in fact. Lightning arrester (carbon style) appeared intact at the top of the pole. He mentioned the fuse to the transformer was so old that the serviceman did not have one on the truck and had to go back to shop to get one as he pointed to the transformer. (from the ground the open style 'cutout' appeared normal, current twenty year design)

He has a 10KVA transformer (stencil at bottom side of transformer) with an underground service - with 200 Amp underground cable of approx. 100 feet to the house.

The Kwh meter is on the front basement wall of the house with (approx. 4ft diameter x 4.5 ft high) shrubbery along in front and a small tree growing up along left side of the meter. Meter can not be seen from initial driveway entrance to property. Meter is visible and can be viewed from a pickup truck by pulling up along side of shrubbery on lightly stoned drive aside of house.

Electrical service panel in the basement has a 200 Amp main breaker and all breaker positions are filled, there is a large cable fed from this panel to a what he claimed was a 200Amp panel in the garage - an addition to the original house. The panel was grounded to the water pipe nearby and to a galvanized ground pipe on outside wall below the meter. There was another smaller panel with approx. 10 breakers connected to the large panel. He explained that the box had been the former service to the house.

He mentioned the 3/4hp air compressor aside of the panel which does not start up some times turning on - trips breaker in the panel.

C-20030854

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There was a equipment running noise in the basement which was a dehumidifier with a drain line to an open ground area five feet away adjacent to the concrete floor. There was a 500 gallon oil tank there, a oil furnace boiler for water baseboard heat - appeared relatively new and there was boxes and stuff stacked on the floor. This house had a early vintage hand laid stone foundation with inside cemented to hold ground around the stones in place. There is question jsut how much moisture may be coming into the area.

A visible check of disk rotations at the time noted ten disk revolutions for 100 seconds which converted to watts is  $[(3600 \times 7.2(\text{watt-hr/ rev}) \times \text{ten rev.}) / (100 \text{ sec. (time in seconds)})]$  equals approx. 2592 watts or 2.6Kw of power. A later check with the dehumidifier turned off yielded five disk revolutions for 99 seconds or approx. 1309 watts or 1.3Kw

At 1.3Kw x 24hr/day x 31 days equals 967 Kw-hr/ month. At 2.6Kw equals 1934 Kw-hr.

Going through the house ( stuff, lots of pet hair, excrement odor, boxes and more):

Kitchen area counter piled with stuff and stove not used with large side by side refrigerator-freezer nearby - was running at the time. In adjacent room there was a refrigerator and a separate freezer. Small fluorescent light mounted on the front of a kitchen cabinet. Freezer was filled with items and was not running. I inquired that there could be a lot of defrosting occurring with all those refrigerators. He responded that only occurs when it needs it, not all the time. I inquired whether the heat exchange coils in each refrigerator / freezer had been cleaned and he said every year.

Returning to the kitchen and through into the living room, there were two - three computer monitors and a printer. File cabinets, boxes and stuff, two televisions, VCRs for each which he indicated only uses one set used at a time. Three small fluorescent lights (under the counter types) on the one wall for area lighting. There was boxes, stuff in this room - only pathway through area. to computers out side door to the garage. There were large windows (3ft x 4ft) full length of the garage wall facing hill embankment excavated for the addition. He mentioned many times about the surges he gets which have damaged the VCRs, UPS units he has for the computers. ( a Triplet unit indentified for one computer)

Panel in the garage was noted to be installed with cover removed and a few breakers mounted and circuits connected. There was a small furnace with 1/6 Hp air conditioner compressor unit outside garage for heat and air in the upstairs bedroom areas. There was an old refrigerator with freezer on bottom in garage connected and filled with pop and other. There were at least four mechanic size two-level chest drawer tool cabinets. There was a window air conditioner in the window to the living room, but he stated it does not work as he can not run it on the current service size. Another oil tank was located aside the compressor unit. There were two roll-up garage doors for drive through, though at the back door there was no way to drive out - sharp slope away from floor with only grass area.

Going upstairs to the bedroom area - another computer, television, several VCRs, an equipment communications rack in adjacent room for five video cameras mounted in various areas of the property. A small under the counter style refrigerator.

In the restroom area, a clothes washer and dryer piled with stuff and he said was not used. Items did not appear to be used. He said his sister did his wash.

He pointed to small lights, appliances, which use little electricity... that he does not have electric usage for what he is being billed. He had mentioned previously about the electric company varying the frequency to have more registration on his meter. I inquired if his motor type clocks would gain or lose time. He said both occur. If house loses power, clocks would certainly lose time. I am uncertain as to how his clocks would gain time as frequency is closely controlled at each power generating station.

Outside, he discussed that the service to the house is not adequate for using tools, equipment in the barn or other out buildings. The distance to those other buildings is more than a hundred feet each. I suggested that he would need to run a large cable for that distance .. hinting ...may not be too feasible. He replied ... yes number eight wire. Larger wire than size eight would seem to be needed, but it was unknown what was to be served in those buildings.

He mentioned he had asked for an upgrade, but GPU would not install it. I mentioned his contractor would have to excavate the ditch for the cable and he said that was GPU responsibility as he had read the tariff and quote we supply the cable to the building attachment. There was no change it this, he repeated it several times and indicated he did not have to excavate the ditch for larger cable.

Dirt driveway area between barn and house marked with at least ten orange construction cones and string. He said was to mark for the work in the area and so he would not drive off the roadway.

He mentioned that a few days prior, he was using his tractor - large farm type with four wheel drive - front loader and rear rotary blade mower (approx. five foot swath) attached and drove by a tree, straight pipe exhaust on tractor caught a low limb, limb bent exhaust pipe back and limb hit him in the face knocking him off the tractor. He was fucking tractor did not run over him and got stopped when impacted on the tree. He had some cuts and bruises.

#### Summary.

He mentioned several times about the overhead pole line clearance to the ground. He wants it raised higher, away from the phone line.

He wants to upgrade his service to at least 400Amps, but he insists FE is responsible to dig and backfill the ditch and install the underground cables to the house.

He complained about the voltage surges he is getting and the multiple times his equipment has been damaged - some could not be repaired.

He spoke of his work when he worked at medical arena. Spoke of his wife and that he was the lead person on the medical team before she died and that there was ethical questions whether he should be allowed, but she was agreed.

He discussed various other unrelated items during the two hours while there, including remote control to turn on area lighting around building at night. Remote to unlock doors to the house, video cameras around the property set to recorder on motion in area... including license plates on vehicles. A loop sensor in the driveway some distance from the building to alarm him someone coming in the driveway. He was wearing a dried stained shirt - appeared to be food another day. There was a motor home, camper, several cars, large SUV.

Dogs and cats were there in the house with much, much more ... some areas with only walkways room to room. House cleaning has not visibly occurred here for a long while.

The dehumidifier and number of refrigerators/ freezer running in the house could be where most of the electrical use occurs, Especially if the house gets hot with no windows or doors open for ventilation ... particularity when he is not home, .. though he pointed to the air conditioners he uses sometimes. There is extra wire circuits throughout the house. There are receptacle outlets with multiple extension cords connected in various places.

I am sure more will come to mind later, but this is as good as I can remember at this time. —

Wendell

Ph. 3-500-6458 (610-921-6458)



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DOCUMENT

C-20030854

Outage History - 737 line

EDWARD T O'TOOLE  
3152 RENNOLL RD  
GLEN ROCK PA 17327

Pole Key 29126-16377  
Date Range 10/13/2001 to 10/13/2004

Date	Duration	Cause
5/25/2004	6 min	Line Breaker operated /Lightning
9/18/2003	9.2 hours	Rain w/high wind (Hurricane Isabel)
12/26/2002	7.6 hours	Snow/Ice
12/25/2002	4.5 hours	Trees contact/ snow & ice
12/17/2001	1.0 hour	Fuse operated / Rain

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737 Line Circuit Breaker Operations

Date	Time	Station	Point	Alarm Text	Counter
11/12/2001	07.43.21	Hill	73782	13.2 CB Open	99963
11/26/2001	11.53.42	Hill	73782	13.2 CB Open	
11/26/2001	11.59.40	Hill	73782	13.2 CB Open MR	
11/27/2001	09.03.41	Hill	73782	13.2 CB Open ME	99964
1/11/2002	10.22.03	Hill	73782	13.2 CB Open	
1/13/2002	09.52.06	Hill	73782	13.2 CB Open	99966
2/17/2002	08.15.17	Hill	73782	13.2 CB Open	99967
5/28/2002	18.59.37	Hill	73782	13.2 CB Open	99968
6/2/2002	02.27.59	Hill	73782	13.2 CB Open	99969
8/10/2002	10.06.39	Hill	73782	13.2 CB Open	99970
9/7/2002	16.03.52	Hill	73782	13.2 CB Open	99971
9/14/2002	10.33.25	Hill	73782	13.2 CB Open	99972
11/3/2002	07.15.56	Hill	73782	13.2 CB Open	99973
11/10/2002	06.26.30	Hill	73782	13.2 CB Open	99974
11/22/2002	06.26.27	Hill	73782	13.2 CB Open	
11/22/2002	06.31.26	Hill	73782	13.2 CB Open	99976
12/25/2002	21.57.57	Hill	73782	13.2 CB Open	
12/25/2002	21.58.01	Hill	73782	13.2 CB Close-Open	
12/25/2002	21.58.37	Hill	73782	13.2 CB Open	99979
8/16/2003	14.14.27	Hill	73782	13.2 CB Open	99981
9/19/2003	02.41.13	Hill	73782	13.2 CB Open	
9/19/2003	02.41.17	Hill	73782	13.2 CB Close-Open	
11/13/2003	09.47.50	Hill	73782	13.2 CB Open	
11/13/2003	09.48.09	Hill	73782	13.2 CB Open	
12/5/2003	11.04.24	Hill	73782	13.2 CB Open	
12/11/2003	17.24.48	Hill	73782	13.2 CB Open	99987
12/19/2003	07.15.14	Hill	73782	13.2 CB Open	99988
7/4/2004	10.22.54	Hill	73782	13.2 CB Open	
7/4/2004	10.22.58	Hill	73782	13.2 CB Close-Open	99990

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291142



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INVENTORY

No clearance issues

φ 24' 6"  
N 25' 3"  
Tel φ 20' 4"

φ 25' 11"  
N 20' 9"  
Tel 18' 7"

φ 20' 11"  
N 15' 11"  
Tel 14' 8"

DBOT  
@ 11am  
± 70°

UNKNOWN

No Survey

1000.0  
2000 FT

Prepared by: J6075  
Date Printed: 08/21/2002 @ 1:38PM

292719

163465

1640

164345

292692



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Table 232-1

**Vertical Clearance of Wires, Conductors, and Cables Above Ground,  
Roadway, Rail, or Water Surfaces<sup>25</sup>**

(Voltages are phase to ground for effectively grounded circuits and those other circuits where all ground faults are cleared by promptly de-energizing the faulted section, both initially and following subsequent breaker operations. See the definitions section for voltages of other systems. See Rules 232B1, 232C1a, and 232D4.)

Nature of surface underneath wires, conductors, or cables	Insulated communication conductors and cable; messengers; surge-protection wires; grounded guys; ungrounded guys exposed to 0 to 300 V <sup>11, 15</sup> ; neutral conductors meeting Rule 230E1; supply cables meeting Rule 230C1 (ft)	Noninsulated communication conductors; supply cables of 0 to 750 V meeting Rules 230C2 or 230C3 (ft)	Supply cables over 750 V meeting Rules 230C2 or 230C3; open supply conductors, 0 to 750 V; ungrounded guys exposed to over 300 V to 750 V <sup>14</sup> (ft)	Open supply conductors, over 750 V to 22 kV; ungrounded guys exposed to 750 V to 22 kV <sup>14</sup> (ft)	Trolley and electrified railroad contact conductors and associated span or messenger wires	
					0 to 750 V to ground (ft)	Over 750 V to 22 kV to ground (ft)
Where wires, conductors, or cables cross over or overhang						
1. Track rails of railroads (except electrified railroads using overhead trolley conductors) <sup>2, 16</sup> .	23.5	24.0	24.5	26.5	22.0 <sup>4</sup>	22.0 <sup>4</sup>
2. Roads, streets, and other areas subject to truck traffic <sup>23</sup>	15.5	16.0	16.5	18.5	18.0 <sup>5</sup>	20.0 <sup>5</sup>

ft

Table 232-1 (Continued)  
Vertical Clearance of Wires, Conductors, and Cables Above Ground,  
Roadway, Rail, or Water Surfaces<sup>25</sup>

(Voltages are phase to ground for effectively grounded circuits and those other circuits where all ground faults are cleared by promptly de-energizing the faulted section, both initially and following subsequent breaker operations. See the definitions section for voltages of other systems.  
See Rules 232B1, 232C1a, and 232D4.)

Nature of surface underneath wires, conductors, or cables	Insulated communication conductors and cable; messengers; surge-protection wires; grounded guys; ungrounded guys exposed to 0 to 300 V <sup>11, 15</sup> ; neutral conductors meeting Rule 230E1; supply cables meeting Rule 230C1 (ft)	Noninsulated communication conductors; supply cables of 0 to 750 V meeting Rules 230C2 or 230C3 (ft)	Supply cables over 750 V meeting Rules 230C2 or 230C3; open supply conductors, 0 to 750 V; ungrounded guys exposed to over 300 V to 750 V <sup>14</sup> (ft)	Open supply conductors, over 750 V to 22 kV; ungrounded guys exposed to 750 V to 22 kV <sup>14</sup> (ft)	Trolley and electrified railroad contact conductors and associated span or messenger wires	
					0 to 750 V to ground (ft)	Over 750 V to 22 kV to ground (ft)
3. Driveways, parking lots, and alleys <sup>23</sup>	15.5 <sup>7, 13</sup>	16.0 <sup>7, 13</sup>	16.5 <sup>7</sup>	18.5	18.0 <sup>5</sup>	20.0 <sup>5</sup>
4. Other land traversed by vehicles, such as cultivated, grazing, forest, orchards, etc. <sup>26</sup>	15.5	16.0	16.5	18.5	—	—
5. Spaces and ways subject to pedestrians or restricted traffic only <sup>9</sup>	9.5	12.0 <sup>8</sup>	12.5 <sup>8</sup>	14.5	16.0	18.0
6. Water areas not suitable for sailboating or where sailboating is prohibited <sup>21</sup>	14.0	14.5	15.0	17.0	—	—
7. Water areas suitable for sailboating including lakes, ponds, reservoirs, tidal waters, rivers, streams, and canals with an unobstructed surface area of <sup>17, 18, 19, 20, 21</sup>						
a. Less than 20 acres	17.5	18.0	18.5	20.5	—	—
b. Over 20 to 200 acres	25.5	26.0	26.5	28.5	—	—
c. Over 200 to 2000 acres	31.5	32.0	32.5	34.5	—	—
d. Over 2000 acres	37.5	38.0	38.5	40.5	—	—
8. Established boat ramps and associated rigging areas; areas posted with sign(s) for rigging or launching sail boats	Clearance above ground shall be 5 ft greater than in 7 above, for the type of water areas served by the launching site					
Where wires, conductors, or cables run along and within the limits of highways or other road rights-of-way but do not overhang the roadway						
9. Roads, streets, or alleys	15.5 <sup>24</sup>	16.0	16.5	18.5	18.0 <sup>5</sup>	20.0 <sup>5</sup>
10. Roads in rural districts where it is unlikely that vehicles will be crossing under the line	13.5 <sup>10, 12</sup>	14.0 <sup>10</sup>	14.5 <sup>10</sup>	16.5	18.0 <sup>5</sup>	20.0 <sup>5</sup>

<sup>1</sup> Where subways, tunnels, or bridges require it, less clearance above ground or rails than required by Table 232-1 may be used locally. The trolley and electrified railroad contact conductor should be graded very gradually from the regular construction down to the reduced elevation.

<sup>2</sup> For wires, conductors, or cables crossing over mine, logging, and similar railways that handle only cars lower than standard freight cars, the clearance may be reduced by an amount equal to the difference in height between the highest loaded car handled and 20 ft, but the clearance shall not be reduced below that required for street crossings.

<sup>3</sup> This footnote not used in this edition.

<sup>4</sup> In communities where 21 ft has been established, this clearance may be continued if carefully maintained. The elevation of the contact conductor should be the same in the crossing and next adjacent spans. (See Rule 225D2 for conditions that must be met where uniform height above rail is impractical.)

<sup>5</sup> In communities where 16 ft has been established for trolley and electrified railroad contact conductors 0 to 750 V to ground, or 18 ft for trolley and electrified railroad contact conductors exceeding 750 V, or where local conditions make it impractical to obtain the clearance given in the table, these reduced clearances may be used if carefully maintained.

<sup>6</sup> This footnote not used in this edition.

<sup>7</sup> Where the height of a building or other installation does not permit service drops to meet these values, the clearances over residential driveways only may be reduced to the following:

	(feet)
(a) Insulated supply service drops limited to 300 V to ground	12.5
(b) Insulated drip loops of supply service drops limited to 300 V to ground	10.5
(c) Supply service drops limited to 150 V to ground and meeting Rules 230C1 or 230C3	12.0
(d) Drip loops only of service drops limited to 150 V to ground and meeting Rules 230C1 or 230C3	10.0
(e) Insulated communication service drops	11.5

<sup>8</sup> Where the height of a building or other installation does not permit service drops to meet these values, the clearances may be reduced to the following:

	(feet)
(a) Insulated supply service drops limited to 300 V to ground	10.5
(b) Insulated drip loops of supply service drops limited to 300 V to ground	10.5
(c) Supply service drops limited to 150 V to ground and meeting Rules 230C1 or 230C3	10.0
(d) Drip loops only of supply service drops limited to 150 V to ground and meeting Rules 230C1 or 230C3	10.0

<sup>9</sup> Spaces and ways subject to pedestrians or restricted traffic only are those areas where riders on horses or other large animals, vehicles, or other mobile units exceeding a total height of 8 ft are prohibited by regulation or permanent terrain configurations, or are otherwise not normally encountered nor reasonably anticipated.

<sup>10</sup> Where a supply or communication line along a road is located relative to fences, ditches, embankments, etc., so that the ground under the line would not be expected to be traveled except by pedestrians, the clearances may be reduced to the following values:

	(feet)
(a) Insulated communication conductor and communication cables.	9.5
(b) Conductors of other communication circuits	9.5
(c) Supply cables of any voltage meeting Rule 230C1, supply cables limited to 150 V to ground meeting Rules 230C2 or 230C3, and neutral conductors meeting Rule 230E1	9.5
(d) Insulated supply conductors limited to 300 V to ground	12.5
(e) Guys	9.5

<sup>11</sup> No clearance from ground is required for anchor guys not crossing tracks, rails, streets, driveways, roads, or pathways.

<sup>12</sup> This clearance may be reduced to 13 ft for communication conductors and guys.

<sup>13</sup> Where this construction crosses over or runs along alleys, driveways, or parking lots not subject to truck traffic this clearance may be reduced to 15 ft.

<sup>14</sup> Ungrounded guys and ungrounded portions of span guys between guy insulators shall have clearances based on the highest voltage to which they may be exposed due to a slack conductor or guy.

<sup>15</sup> Anchor guys insulated in accordance with Rule 279 may have the same clearance as grounded guys.

<sup>16</sup> Adjacent to tunnels and overhead bridges that restrict the height of loaded rail cars to less than 20 ft, these clearances may be reduced by the difference between the highest loaded rail car

handled and 20 ft, if mutually agreed to by the parties at interest.

<sup>17</sup> For controlled impoundments, the surface area and corresponding clearances shall be based upon the design high-water level.

<sup>18</sup> For uncontrolled water flow areas, the surface area shall be that enclosed by its annual high-water mark. Clearances shall be based on the normal flood level; if available, the 10-year flood level may be assumed as the normal flood level.

<sup>19</sup> The clearance over rivers, streams, and canals shall be based upon the largest surface area of any 1-mile-long segment that includes the crossing. The clearance over a canal, river, or stream normally used to provide access for sailboats to a larger body of water shall be the same as that required for the larger body of water.

<sup>20</sup> Where an overwater obstruction restricts vessel height to less than the applicable reference height given in Table 232-3, the required clearance may be reduced by the difference between the reference height and the overwater obstruction height, except that the reduced clearance shall be not less than that required for the surface area on the line-crossing side of the obstruction.

<sup>21</sup> Where the US Army Corps of Engineers, or the state, or surrogate thereof has issued a crossing permit, clearances of that permit shall govern.

<sup>22</sup> See Rule 234I for the required horizontal and diagonal clearances to rail cars.

<sup>23</sup> For the purpose of this Rule, trucks are defined as any vehicle exceeding 8 ft in height. Areas not subject to truck traffic are areas where truck traffic is not normally encountered nor reasonably anticipated.

<sup>24</sup> Communication cables and conductors may have a clearance of 15 ft where poles are back of curbs or other deterrents to vehicular traffic.

<sup>25</sup> The clearance values shown in this table are computed by adding the applicable Mechanical and Electrical (M & E) value of Table A-1 to the applicable Reference Component of Table A-2a of Appendix A.

<sup>26</sup> When designing a line to accommodate oversized vehicles, these clearance values shall be increased by the difference between the known height of the oversized vehicle and 14 ft.

EXHIBIT  
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SW-6

### CUSTOMER CALL NOTIFICATION

WORK TYPE: Contact customer

Notification: 302694708 Type: CC  
Work Request:

SM Order: **DOCUMENT**

Short Text: COMR Contact customer - OMR

Malfunction Start: 12/12/2000 @ 09:59:37

Work Complete:          /           
(Malfunct. End) Date / Time

Reported by: EDWARD T O'TOOLE

Phone: (717)235-9366

#### BUSINESS PARTNER

Business Partner No.: 801218251

Contract Acct. No.: 100017738285

#### PREMISE INFORMATION

Premise No.: 2309013  
13152 RENNOLL RD  
GLEN ROCK PA 17327

Phone: (717)235-9366

#### TECHNICAL INFORMATION

Pole Key: 29126-16377  
Maintenance Group: 204 (York)  
Tax District: 00001359  
Tax Location: SHREWSBURY - PA  
Tax County: YORK

Meter: W89201352 1 Phase  
Main Wrk Ctr: N2C  
MRU-Seq: M684126-N/A

#### Long Text:

- \* Please contact customer Mr. Edward O'Toole at 13152 Rennoll Road, in
- \* Glen Rock, Pa. He is concerned that the transformer serving his
- \* residence does not provide adequate power for his needs. He has talked
- \* to some one in the company prior to this, but is not convinced that his
- \* point was clear. He is having trouble with his computers and feels our

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## CUSTOMER CALL NOTIFICATION

\* service is to blame. His number is (717) 235-9366 and his notification

Comments:

---

---

---

---

Complete in: PRD(010)

\_\_\_\_\_  
Name (Please Print)

AC Voltage (Vac)

150.0  
145.0  
140.0  
135.0  
130.0  
125.0  
120.0  
115.0  
110.0  
105.0  
100.0  
95.0  
90.0  
85.0  
80.0  
75.0  
70.0  
65.0  
60.0

01/31/01  
08:32:10

02/03/01 02/04/01 02/05/01 02/06/01 02/07/01 02/08/01 02/09/01 02/10/01 02/11/01

(mm/dd/yy)

02/13/01  
14:01:27

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Vac on Ch 2

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Rustrak Ranger

c. 25030854

10/14/04

Project ID 206661 OWNER Dispatch: Keiser, Drew DEVICE DA YORK DISTRICT

SAP\_WO\_NO VOLTAGE PROBLEM - HIG Crew Craley, Richard - 56015 TYPE INVESTIGATO CA YORK SOUTH CA

Cause UNKNOWN Start 8/11/2003 4:14:17 PM Dispatch 8/11/2003 7:13:37 PM Max Pred

Sub Cause NO OUTAGE Assign 8/11/2003 7:13:33 PM Arrive 8/11/2003 8:02:55 PM Ord Ref# 206661-1

CIRC\_id 703600233 ETR Billabl Comp 8/11/2003 11:04:50 PM Ord Id 1738661

Circ\_Name Customer Message 8/11/2003 11:04:58 PM p/cct Key 1566391

Comments TESTED VOLTAGE 120, 120 241 DRS\_CAUSE UNKNOWN DRS\_POLE 29126-16377

Work Done: CHECKD VOLTAGE W/ B OF B Work Nec Permit Neede DRS\_VOLT WEATHER

Remarks

Calls for Order

Chk/C# Account Rec At/Com NAME LOCATION\_DESC AC PHONE

703600233 0002309013 8/11/2003 4:13:08 PM OTTOLE, EDWARD T RENNOLL RD, 13152, GLEN ROCK, PA 717 235-9366 206661

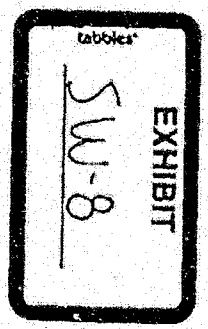
000310361060

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C-2003 30854



POOR ORIGINAL

Project ID: 455711 OWNER: Dispatch: Tenley, Greg DEVICE: DA YORK DISTRICT

SAP\_WO\_NO: PB455711 Desc: VOLTAGE PROBLEM - BRI Crew: Heist - 54051 TYPE: INVESTIGATIO CA: YORK SOUTH CA

Cause: UNKNOWN Start: 5/6/2004 4:12:40 PM Dispatch: 5/6/2004 4:47:04 PM Max Pred: 1 Calls: 1

Sub Cause: NO OUTAGE Assign: 5/6/2004 4:47:04 PM Arrive: 5/6/2004 6:33:59 PM Ord Ref#: 455711-1

CIRC\_Id: 703600233 ETR: Fld Done: 5/6/2004 6:38:12 PM Pict Key: 2209255

Circ\_Name: Billabi Comp: 5/6/2004 6:38:12 PM Customer Message: DRS CAUSE UNKNOWN

Comments: BACK IN APRIL, CUST CLAIMS DAMAGE PLS CHECK WITH BEAST AND GET RESULTS TO TOM DAUGHERTY OR DOUG HAINES. MEM/TEAM1 - 124-124. DRS POLE

248/CHANGED OUT METER W/BROKEN GLASS. DRS VOLT WEATHER: Fair-Sunny-Overcast

Work Done: CHKD VOLTAGE WITH B OF B Work Note: Permits Needed: Remarks: 124/124-248/CHAN

REPLACED SEE COMMENTS

Work Done: REPLACED SEE COMMENTS

Work Note: PERMITS NEEDED

Work Note: PERMITS NEEDED

Work Note: PERMITS NEEDED

Work Note: PERMITS NEEDED

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C-200 30854

POOR ORIGINAL





501 Parkway Blvd  
York, PA 17404

Writer's Direct Dial No.  
(717) 848-7147

September 20, 2002

Edward T. O'Toole  
13152 Rennoll Road  
Glen Rock, PA 17327

DOCUMENT

Dear Mr. O'Toole,

This is in response to your recent inquiry regarding information on Customer trenching responsibilities that are contained in our Tariff and information on 400amp self-contained metering versus 600amp metering with the use of current transformers. The service and metering information refer to only the amperage ratings of the service and meter base, the panel and breakers beyond this can be sized with the help of an electrician or electrical inspector. This information is being provided to you for informational purposes only.

Sincerely,

Steven Ward  
Supervisor - Regional Engineering

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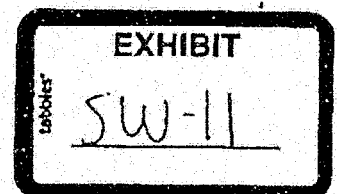
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GENERAL RULES AND REGULATIONS

7. Extension of Company Facilities: System Upgrades

The standard service provided by the Company for delivery of electric energy to a Customer under this Tariff, whether Delivery Service or Full Service, regardless of delivery voltage, shall be from overhead Distribution Lines, except as noted in any Rate Schedule. Subject to the requirements of this Tariff, the Company shall extend its 34,500 volt or less Distribution Lines to Applicants. Any request for electric service that requires the extension, removal, relocation or change of the Company's existing Distribution Lines shall be provided as set forth in this Rule 7. Applicants requesting a Line Extension shall, at the Company's discretion, execute the Company's standard Line Extension contract. Any Customer served by a Line Extension completed before the effective date of this Rule 7 shall be subject to the terms and conditions of its existing Line Extension contract and the Company's then-applicable Line Extension tariff, rules and regulations.

a. Line Extensions

(1) Definitions

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Any capitalized term used in this Rule 7 that is not otherwise defined herein shall have the meaning set forth in Rule 3 of this Tariff. For the purpose of this Rule 7, the following definitions shall apply:

**Applicant** - Any person, corporation or other entity that (i) desires to receive from the Company electric or any other service provided for in this Tariff, (ii) complies completely with all Company requirements for obtaining electric or any other service provided for in this Tariff, (iii) has filed and is awaiting Company approval of its application for service, and (iv) is not yet actually receiving from the Company any service provided for in the Tariff. An Applicant shall become a Customer for purposes of this Tariff only after it actually starts receiving the applicable service(s) from the Company under this Tariff.

(C)

**Cash Advance** - A refundable contribution in cash from an Applicant for those costs associated with a Line Extension, increased for applicable taxes as specified in Rule 8, which is held by the Company in a non-interest bearing account.

**Contractor Costs** - The amounts paid by the Company for work performed by a contractor retained by the Company.

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## GENERAL RULES AND REGULATIONS

## Rule 7 - Extension of Company Facilities: System Upgrades (continued)

**Contributions in Aid of Construction ("CIAC")** - A non-refundable contribution in cash from an Applicant for those costs associated with a Line Extension and/or tree trimming, brush clearance and related activities or those costs associated with Temporary Service or the relocation of Company facilities, increased for applicable taxes as specified in Rule 8.

(C)

**Customer** - Any person, partnership, association, corporation, or other entity (i) in whose name a service account is listed, (ii) who occupies or is the ratepayer for any premises, building or structure, etc. or (iii) is primarily responsible for payment of bills. A Customer includes anyone taking Full Service or Delivery Service under this Tariff.

**Developer** - The person or entity responsible for constructing and providing improvements in a Development, including, but not limited to, streets, sidewalks and utility-ready lots.

(C)

**Development** - A planned project which is developed by a Developer for electric service set out in a recorded plot plan of five (5) or more adjoining unoccupied lots for the construction of single-family residences, detached or otherwise, mobile homes, or one (1) or more five-unit apartment houses, all of which are intended for year-round occupancy, if electric service to such lots necessitates extending the Company's existing Distribution Lines.

**Distribution Lines** - An electric supply line and related equipment of untransformed voltage from which energy is delivered to one (1) or more Service Lines.

**Direct Labor Costs** - The pay and expenses of Company employees directly attributable to work performed, excluding construction overheads or payroll taxes, workmen's compensation expenses or similar expenses.

**Direct Material Costs** - The purchase price of materials used, excluding related stores (i.e. warehousing) expenses. In computing Direct Material Costs, proper allowance shall be made for unused materials recovered from temporary structures, and for discounts allowed and realized in the purchase of materials.

**Line Extension(s)** - The extension of the Company's distribution system from the nearest suitable and available Distribution Line to the Service Line which will provide service to the Customer.

(C) Change

## GENERAL RULES AND REGULATIONS

## Rule 7 - Extension of Company Facilities: System Upgrades (continued)

**Non-Speculative Line Extension** - A Line Extension for a Permanent Residential Customer under which the Company has taken into account various factors including, but not limited to, Customer location, rate classification, projected Company revenues, permanency of use, primary residence and prospect of use by future Customers, and has deemed the cost for the Line Extension to be reasonable for the Company to incur. (C)

**Permanent Residential Customer** - A Customer occupying a dwelling or mobile home on a permanent foundation which is the Customer's primary residence occupied year-round for normal living purposes and including: (i) electrical wiring conforming with the National Electrical Code and the Company's service installation policies; (ii) a permanently installed heating system; and (iii) permanently installed plumbing and sewage systems. (C)

**Private Right-of-Way** - The right-of-way or easement for electric facilities on, over, under, across and/or through real or other property owned by an individual or entity which is not a governmental, municipal or other public body to provide Full Service or Delivery Service.

**Public Right-of-Way** - The right-of-way or easement for electric facilities, subject to reasonable permitting, on, over, under, across and/or through real or other property owned by a governmental, municipal or other public body to provide Full Service or Delivery Service.

**Service Line** - An electric supply line from the Distribution Line to the Customer's metering point from which electric service is delivered to the Customer.

**Speculative Line Extension** - A Line Extension in which the Company has taken into account various factors including, but not limited to, Customer location, rate classification, projected Company revenues, permanency of use, primary residence and prospect of limited use by future Customers, and has deemed the cost of the Line Extension to be unreasonable for the Company to incur. (C)

(C) Change

## GENERAL RULES AND REGULATIONS

## Rule 7 - Extension of Company Facilities: System Upgrades (continued)

**Subdivider** - The person or entity responsible for dividing a tract of land into building lots, to form a Subdivision, that are not to be sold as utility-ready lots.

**Subdivision** - A tract of land divided by a Subdivider into five (5) or more adjoining unoccupied lots for the construction of single-family residences, detached or otherwise, or apartment houses, all of which are intended for year-round occupancy, if electric service to such lots necessitates extending the Company's existing Distribution Lines. (C)

**Temporary Electric Service** - A Service Line, meter and/or other work supplied by the Company to the Customer for electric service over a defined period, usually less than one (1) year.

**(2) Non-Speculative Single Phase Line Extension****Company Obligations**

As used in this Rule 7, a span of conductor is approximately equal to 180 feet. The Company shall construct, own and maintain all Line Extensions. The Company shall provide an Applicant, at no charge, up to three (3) spans of conductor, three (3) poles and related material on Public Right-of-Way for each Line Extension, including the Service Line. The Company shall provide an Applicant, at no charge, one (1) span of conductor and related material on Private Right-of-Way for each Line Extension, including the Service Line, to serve a Permanent Residential Customer. The number of spans provided to an Applicant / Customer at no charge shall be referred to in this Rule 7 as the span allowance. The Company's engineering layout shall be the sole basis used for determining the design of the Line Extension and/or Service Line. Any additional Line Extension and/or Service Line costs in excess of those costs assumed by the Company under this Tariff shall be borne by the Applicant / Customer.

The Company shall not commence construction of a Line Extension and/or Service Line until completion of all of the following:

- (a) The Company's receipt and acceptance of an Application for electric service.

(C) Change

## GENERAL RULES AND REGULATIONS

## Rule 7 - Extension of Company Facilities: System Upgrades (continued)

- (C)
- (b) Execution by the Company and the Applicant / Customer of appropriate agreements for electric service and/or Line Extensions, and the payment by the Applicant / Customer of any and all associated costs or charges.
  - (c) The Applicant / Customer requesting the Line Extension and/or Service Line has furnished to the Company rights-of-way on, over, across, under and/or through the Applicant's/Customer's property that are necessary for the construction, maintenance and operation of the Line Extension and/or Service Line in accordance with Rule 6 of this Tariff and which are in form and substance acceptable to the Company.

The Company shall be under no obligation to construct the Line Extension and/or Service Line in the event it is unable to acquire all necessary rights-of-way and other consents from any parties other than the Applicant / Customer, in such form and substance acceptable to the Company.

**Applicant Obligations**

Where the Non-Speculative Line Extension and/or Service Line exceeds the span allowance, the Applicant / Customer shall make a CIAC or Cash Advance to the Company equivalent to the Company's estimated Direct Labor Costs and Direct Material Costs and/or Contractor Costs for construction of that portion of the Line Extension and/or Service Line which is in excess of the span allowance. All Line Extension and/or Service Line costs in excess of the span allowance shall be charged to the Applicant / Customer.

In the event that an Applicant / Customer makes a Cash Advance to the Company for construction costs in excess of the span allowance, refund(s) shall be made to the initial Line Extension Applicant / Customer for each new Permanent Residential Customer added to the initial Line Extension. The refund(s) shall be calculated by the average cost per foot of the Line Extension in excess of the span allowance. Refunds shall be made only for Customer additions made within five (5) years from completion of the initial Line Extension and the sum of any refund(s) shall never

(C) Change

## GENERAL RULES AND REGULATIONS

## Rule 7 - Extension of Company Facilities: System Upgrades (continued)

(C)

exceed the initial Line Extension Applicant's / Customer's Cash Advance. Any balance from the Cash Advance remaining after five (5) years shall be retained by the Company. In lieu of paying a Cash Advance to the Company, the Applicant / Customer may elect to pay a CIAC to the Company.

If the Applicant / Customer requests, and Company approves, Line Extensions and/or Service Lines may be installed underground. Where a Customer requests underground service from overhead distribution facilities, the Company shall install such service upon receipt of a contribution, in the form of a CIAC, from the Customer equal to the amount the underground service costs exceed the overhead service costs. These costs will not be part of any Cash Advance or refund to a Cash Advance. The Company shall own, operate and maintain such underground facilities. In such case, the Applicant / Customer shall provide all necessary trenching, excavation, backfilling and grading in accordance with Company specifications in the prevailing Service and Meter Installation Requirement handbook, and shall bear all costs thereof.

Residential Customers electing to use conduit for their underground Service Line shall pay all related costs associated with such conduit.

The Applicant / Customer shall perform or arrange and pay for all Company-directed rough grading in accordance with the Company's specifications for underground lines and facilities, as said specifications shall be modified by the Company from time to time.

The Applicant / Customer shall pay the cost of all tree trimming, brush clearance and related activity associated with the establishment of the right-of-way for the Line Extension and/or Service Line.

If Applicant / Customer requests any deviation from the Company's specifications, the Company may, in its sole and exclusive discretion, approve such request. Any Company-approved deviations from its construction practices shall be at the Applicant's / Customer's sole expense.

(C) Change

## GENERAL RULES AND REGULATIONS

## Rule 7 - Extension of Company Facilities: System Upgrades (continued)

**(3) Underground Electric Service in New Residential Developments****Company Obligations**

The Company shall install underground facilities inside new Developments; however, should the lot owner or owners in a Subdivision desire underground service, such service shall be provided by the Company if such lot owner or owners, at their option, comply with Rule 7.a.(2) (Non-Speculative Single Phase Line Extensions) and 7.a(4) (Speculative Single Phase and All Three Phase Line Extensions and Service Lines). (C)

The Company shall require for Developments which qualify under this Rule 7.a.(3) (Underground Electric Service in New Residential Developments) and Rule 7.a.(4), (Speculative Single Phase and All Three-Phase Line Extensions and Service Lines) a CIAC or Cash Advance from the Applicant covering the Company's total estimated direct and indirect costs associated with the Line Extension to the tract of land being developed or within 100 feet of the boundary of Development. After the connection of Customers, external to the Development, to the Line Extension, a refund of the Cash Advance shall be made to the Applicant in accordance with Rule 7.a(4) (Speculative Single Phase and All Three-Phase Line Extensions and Service Lines). (C)

The Company or its agent shall install the necessary service-related facilities that may include the installation of padmount transformers. (C)

The Company shall, at the request of the Developer, install underground street lighting lines at the time of the original request for service to the Development or thereafter within the same Development. All street lighting shall be provided in accordance with this Tariff. (C)

The Company shall have the right to perform its own excavating and backfilling.

If the Company elects to perform its own excavating and backfilling, there shall be no other charges to the Developer or to any other utility sharing the same trench.

(C) Change

## GENERAL RULES AND REGULATIONS

## Rule 7 - Extension of Company Facilities: System Upgrades (continued)

(C)

Developer Obligations

A Developer shall pay the cost of providing the Company with a copy of the recorded development plot plan identifying property boundaries and with easements satisfactory to the Company for occupancy by distribution, service and street lighting lines and related facilities.

The Developer or its agent shall provide all excavating, rough grading and backfilling required by the Company and shall meet the Company's specifications as they may be in effect from time to time. The Company upon request shall provide copies of the specifications to the Developer.

A Developer shall pay the Company for any necessary and additional costs incurred by the Company as a result of the following:

- (a) Installation of underground facilities that deviate from the Company's underground construction standards and specifications if such deviation is requested by the Developer.
- (b) A change in the plot plan by the Developer for electric service after the Company has completed engineering for the project and/or has commenced installation of its facilities.
- (c) Physical characteristics such as, but not limited to, oversized lots or lots with extreme setback.

(C) Change

## GENERAL RULES AND REGULATIONS

## Rule 7 - Extension of Company Facilities: System Upgrades (continued)

(C)

**Exceptions**

Whenever the Company or any affected person believes that the application of this Rule 7.a.(3),(Underground Electric Service in New Residential Developments) works an undue hardship, involves a physical impossibility, or is otherwise inappropriate, they may request an exception from the Commission in accordance with 52 Pa. Code §§ 57.81-57.88 by providing the Commission with the following:

- (a) A copy of the recorded plot plan of the development for which the exception is being sought; and
- (b) A letter petition setting forth the name of the Applicant, the location and size of the development involved, the names of the electric utility and telephone utility which shall provide service to that development, the date on which construction began or shall begin, whether the development is a new development or one phase in a development to be completed in several phases, and whether facilities in the area surrounding the development have been installed underground or overhead.

Upon the filing of an exception request, the Commission's staff shall notify the utilities involved and the appropriate local government authority, review the facts stated in the request and issue to the Applicant and the utility an informal written report and decision within 180 days of the request for an exception. Failure of the party requesting an exception to supply sufficient data within the 180 day period shall result in the automatic denial of the request.

The Company or any affected person may appeal the informal decision rendered by Commission staff by filing a letter petition with the Secretary of the Commission stating the facts in question and requesting a hearing. All such appeals shall be referred to the Commission's Office of Administrative Law Judge for hearing and decision.

If an exception request initiated by an Applicant for electric service is granted, and such Applicant thereafter desires underground electric service, 52 Pa. Code §§ 57.82 and 57.83 shall apply as if no exception had been granted.

(C) Change

## GENERAL RULES AND REGULATIONS

## Rule 7 - Extension of Company Facilities: System Upgrades (continued)

**(4) Speculative Single Phase and All Three-Phase Line Extensions and Service Lines**

(C)

When the Company is requested to increase capacity, expand facilities or construct Speculative Single Phase Line Extensions and/or Service Lines or Three-Phase Line Extensions and/or Service Lines, the Company shall determine from the circumstances of each case the nature and level of financing and/or guarantee of revenue required of the Applicant / Customer prior to construction or installation of Company facilities. The Company shall employ a five-year revenue guarantee in order to offset the initial construction costs. The five-year revenue guarantee includes five (5) years of forecasted distribution revenues less certain incremental delivery costs including, but not limited to, distribution operation and maintenance expenses, depreciation expenses, gross receipts taxes, state and federal income taxes, and a reasonable return component. The Company may require the Applicant / Customer to make (i) a CIAC equivalent to the Company's total estimated costs associated with the construction of facilities necessary to render service in excess of the amount not covered by the revenue guarantee or (ii) a Cash Advance for the total construction costs to render service. The Company shall refund all or a portion of a Cash Advance previously provided by the Applicant in the event that the Company's revenue analysis for any newly connected Non-Residential Customer indicates that there are revenues in excess of the costs to provide service to that newly connected Non-Residential Customer, within five (5) years from the completion of the initial Line Extension.

Where an application for an overhead Line Extension for a tract of land being developed or proposed to be developed, in whole or in part, for residential, commercial or industrial purposes not covered by Rule 7.a.(3), (Underground Electric Service in New Residential Developments) is received from an entity that is not expected to be a Customer, the Company, prior to construction, shall require payment of a CIAC or a Cash Advance from the Applicant covering the Company's total estimated costs associated with the construction of said overhead extension (i) to the tract of land being developed and (ii) within the boundary of the tract of land necessary to serve prospective Customers in the tract.

(C) Change

## GENERAL RULES AND REGULATIONS

## Rule 7 - Extension of Company Facilities: System Upgrades (continued)

After the connection of a Non-Residential Customer to the Line Extension, a refund of the Cash Advance shall be made to the Applicant in accordance with this Rule 7.a(4) (Speculative Single Phase and All Three-Phase Line Extensions and Service Lines).

Applications for Speculative or Three-Phase Line Extensions and/or Service Lines shall be subject to all other Rules and Regulations of this Tariff.

In addition to the Line Extension costs described above, Non-Residential Customers shall also provide, install and pay for conduit, cable, metering conduit associated with their underground installation, including the Service Line, and such other costs specified in the Company's prevailing Service and Meter Installation Requirement handbook.

The Applicant / Customer shall pay the cost of all tree trimming, brush clearance and related activity associated with the establishment of the right-of-way for the Line Extension and/or Service Line.

**b. Temporary Service**

Temporary installations for Residential and Non-Residential Customers, requiring special service, meter or other work shall provide electric service for a defined period, usually less than one (1) year ("Temporary Service"). Temporary Service, such as for construction purposes or exhibits of short duration, etc. shall be installed and removed at the Applicant's / Customer's expense. The Company shall provide the Temporary Service upon application from an Applicant / Customer. The Company shall provide the Temporary Service, provided that the Applicant / Customer reimburses the Company for all costs of installing and removing the service installation, including both material and labor, less the salvage recovered from all materials and equipment removed after termination of service. In all such cases, the Applicant / Customer shall make an advance payment to the Company sufficient to cover the estimated charges for installation and removal of the Temporary Service. (C)

For Temporary Service for residential single-unit house construction where both the temporary Service Line and meter can be transferred to the completed building, the Temporary Service shall be provided by the Company upon the Applicant's / Customer's payment of the Company's estimated costs to provide this service.

(C) Change

## GENERAL RULES AND REGULATIONS

## Rule 7 - Extension of Company Facilities: System Upgrades (continued)

(C)

**c. Relocation of, or Modification to, Company Facilities; Service Interruptions**

If as a result of a Line Extension or any other request that results in an expansion of the Company's facilities, an increase in the Company's facilities, construction of a system upgrade or any other change to or the modification of the Company's electric system, the Applicant / Customer shall pay all costs for such work as specified in this Rule 7.

**Company Obligations**

The Company shall remove, relocate or change the Company's facilities or temporarily interrupt service to a Customer's premises, upon the Customer's request, where such removal, relocation, change or interruption is acceptable to the Company.

The Company shall provide the Residential Customer with an estimate of the costs of removing, relocating, changing or interrupting the Customer's service, and the Residential Customer shall pay that amount to the Company prior to performing the work.

The Company shall bill the Residential Customer based upon the Contractor Costs and/or Direct Labor and Direct Material Costs associated with the removal, relocation or change of distribution facilities or interruption, less an amount equal to any maintenance expenses avoided as a result of such work.

The Company may, in its sole discretion, request a Non-Residential Customer or other person or entity to pay to the Company in advance the estimated cost to perform such work. The Company shall bill Non-Residential Customers or other person or entity the total cost of the work, including the total direct and indirect costs.

After completion of the work, the Company shall bill or refund to the Non-Residential Customer or other person or entity, the difference between the estimated cost and the total direct and indirect cost of such work.

(C) Change

## GENERAL RULES AND REGULATIONS

## Rule 7 - Extension of Company Facilities: System Upgrades (continued)

**Customer Obligations**

A Customer desiring the removal, relocation or change of Company facilities or interruption shall submit a request to the Company.

The Company may accept or reject said request in its sole and exclusive discretion. If the Company accepts said request, the Customer shall pay in advance the Company's total estimated cost for any Customer requested temporary interruption in the Customer's service due to construction, maintenance or other activities.

All Customers or other parties that request the removal, relocation or change of Company facilities shall furnish, without expense to the Company, satisfactory rights-of-way acceptable to the Company for the construction, maintenance and operation of the relocated facilities.

**Non-Residential Property Owner**

A non-residential property owner shall not be relieved or excused from paying all costs associated with the relocation or modification of the Company's facilities or temporarily interrupt electric service to a Non-Residential Customer's property under this Rule 7(c) if such relocation or modification of Company facilities or temporary service interruption is the result of any order, rule, regulation or other direction to said property owner from any governmental or public authority.

Use of Service by Customer

- The customer's wiring and equipment including the meter socket will be maintained by the customer, at the customer's expense, in the condition required by the insurance and governmental authorities having jurisdiction.
- The service shall not be used in any manner so as to disturb or impair the operation of the Company's system or that will interfere with service to other customers. If such interference does occur, due to the use of apparatus installed upon a customer's premises, such customer must either discontinue the use of such apparatus or make the necessary revisions to the apparatus, including additional equipment that may be required to alleviate such conditions or the Company shall have the right to discontinue its service.
- For proper service, it is necessary that the wiring on all single or three-phase installations be so arranged that the load will be, as nearly as possible, the same in each phase wire so that the neutral wire will carry a minimum amount of current.

Interruption and Liability

- The Company will endeavor to furnish continuous service but does not guarantee uninterrupted service. The Company is not liable for any damage which the customer may sustain by reason of the failure or partial failure of the energy, or failure or reversal of phases, or variation in service characteristics, whether caused by accident, or other causes. Nor is the Company liable for damage that may be incurred by the use of any service wiring, connections, instruments, services, or electrical appliances, installed by or for the customer. Nor is the Company liable for damage that may be incurred due to the presence of the Company's property on the customer's premises. It is the customer's responsibility to inform the Company of outages so that the outage can be expeditiously handled.

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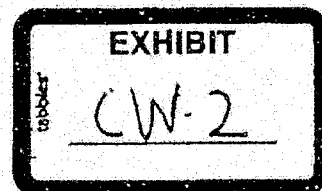
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PA PUBLIC UTILITY COMMISSION  
SECRETARY'S BUREAU



C-20030854

### Final Connections

- Residential/Commercial - All final connections for temporary or permanent service, between the Company's facilities and the customer's wiring, will be made by the Company. See Exhibits 19 & 20 to determine party responsible for supplying connectors. (Exception: In New Jersey and Met-Ed, in most cases, a licensed electrical contractor is allowed to perform a disconnect/reconnect of an overhead single-phase 200 amp and below service. Contact the Company for additional details )
- The Company will assume no responsibility for changing the location of its service drop attachments if an improper location is chosen without consultation with the Company, or if the mutually acceptable location is not utilized
- If, in order to comply with the requirements of governmental agencies or Codes as approved by ANSI, it becomes necessary for the Company to make any change in the location of its equipment or to change the character of its service, the customer will, at the customer's expense, make such changes in the customer's wiring, service entrance, and utilization equipment as are thereby made necessary
- Service entrance equipment interrupting capacity shall meet or exceed the maximum available fault current at that location. Contact the Company for the minimum required equipment rating.

### Inspection

- Before initial service to a customer service location is energized, the Company should verify that the installation of the customer's meter base and associated equipment:
  - (1) has been inspected and approved by the local inspection authority or
  - (2) in any area where there is no local or state inspection authority, has been inspected by a qualified electrician or Company representative or
  - (3) In PA, has been inspected and approved by personnel certified in accordance with the Uniform Construction Code ( Act 45 )
- When the Company deems that a hazardous condition exists, it may refuse to energize the customer's service until the customer complies with these requirements.
- In addition to complying with the National Electrical Code, the service shall be in accordance with the requirements of the Company and such state and local inspection requirements as may be in force at the time such installation is made
- Service Restoration - Fire or Flood : If the meter or service entrance equipment has been subjected to fire or flood conditions, an inspection from the above referenced authority, and a release, when applicable, from a Fire Marshall or equivalent is required before service will be re-connected.
- Service Restoration – Disconnected Services : If restricted access does not allow visual inspection of vandalized or damaged service main prior to unblocking meter and re-connection of service which have been disconnected ( service wires cut or meter blocked ) for 12 months or more, a new inspection is required before service will be re-connected.

### Locating Underground Electric Facilities

- State laws require that an excavator notify the One Call System in advance of digging. Trained personnel will locate and mark underground facilities
- For projects in Ohio:
  1. Call the Ohio Utility Protection Service (OUPS) at least 48 hours but not more than 10 days before digging. Call OUPS at 1-800-362-2764 to request that a location be marked. Additional information can be obtained at their website: <http://www.oups.org>
  2. In Ohio, you must also call the Ohio Oil and Gas Association (OOGA). When you call them, they will give you a list of their members that you must notify of your planned excavation. Call them at 1-800-925-0988 to request the names and numbers of members whom you must notify of your planned excavation. Visit their website at <http://www.ogpups.com> to fill out an on-line form.
- For projects in Pennsylvania, call the Pennsylvania One Call System at least 3 full working days but not more than 10 days before digging at 1-800-242-1776 to request that a location be marked. Their website can provide additional information: <http://www.paonecall.org>
- For projects in New Jersey, call the New Jersey One Call System at least 3 full working days but not more than 10 days before digging at 1-800-272-1000 to request that a location be marked. Their website can provide additional information: <http://www.nj1-call.org>
- For projects in New York, call Dig Safely New York at 1-800-962-7962 at least 2 days before digging not counting the day of call to request that a location be marked. Their website can provide additional information: <http://www.digsafelynewyork.com>

### Required Clearance From Markout for Digging in the Vicinity of Company Underground Electric Facilities

- An additional 12" minimum separation must be maintained beyond the 24" clearance from the markout stake and the closest edge of any parallel trench dug by another party adjacent to the Company's underground facilities.

## PERMANENT SERVICE - UNDERGROUND

### General

- Based on an engineering evaluation, a Company representative will determine a pole, transformer, or handhole location to which an underground service lateral can be extended.
- The customer is responsible for the trenching, conduit where applicable, and backfilling. In some cases, the customer is also responsible for the installation of the underground service lateral cable. See the applicable Exhibits 19 and 20 for specific customer and company installation/ownership responsibilities for each item associated with the service and for determination of point of service. The utility retains ownership of conductors and equipment it supplies. In special situations, if the point of service varies from Exhibits 19 and 20, the customer's installation documents will clearly designate the equipment ownership and the exact point of service.
- In situations involving a customer installed and owned underground service, if a customer increases the service lateral length or load, the customer is responsible to verify that ampacity, voltage drop, and voltage flicker limitations are suitable to serve the load. If load is being added, the customer shall advise the Company so the Company can insure Company associated facilities are adequate.
- There should be no fence, guardrail, wall or other obstruction placed around pad-mounted transformers or handholes that would limit the Company from performing maintenance on the equipment or replacing it completely. This includes any tree, shrub, bush, or other vegetation that would have to be removed in order to operate, maintain or replace equipment. The minimum clearance is 3 feet from the back and sides, and 10 feet from the front of all pad-mounted equipment. Additionally, a customer shall not cover (even partially) any of these devices with mulch or dirt as this prevents them from being quickly located or safely operated as well as accelerating corrosion.

### Underground Services from Overhead Lines

- If at any time it becomes necessary for the Company to change the location of a pole upon which a customer owned underground service lateral terminates, the necessary changes in the service lateral will be made by the customer at the customer's expense (applicable in Ohio Edison). (Generally applicable in Jersey Central Power & Light, Met-Ed, and Penelec. Some exceptions may apply in certain cases involving State Highway widening projects.)
- See Exhibits 5A, 5B, 6A, 6B, 7A, 7B, 10, 11, and 12 for typical installations.

METERING INSTALLATIONS – FirstEnergy Operating Companies

FORM 118 (Rev. 8-04)  
ID No 58015163

<p>Single-Phase Multiple Position OH/UG 125 A :</p> <ul style="list-style-type: none"><li>• Small hub opening (minimum)</li><li>• Lug size - #6 to 2/0 AWG (load) , #2 AWG – 350 kcmil (line)</li><li>• Bottom knockout – 3" conduit (for incoming utility cable)</li><li>• Hub not included</li></ul>
<p>Single-Phase Multiple Position OH/UG 200 A :</p> <ul style="list-style-type: none"><li>• Large hub opening</li><li>• Lug size - #2 AWG to 350 kcmil (load) , #6 AWG – 400 kcmil (line)</li><li>• Minimum 2" conduit per position bottom knockout, additional bottom knockout – 3" conduit (for incoming utility cable)</li><li>• Hub not included</li></ul>
<p>Single-Phase Multiple Position OH/UG 125 A with disconnect switch:</p> <ul style="list-style-type: none"><li>• Small hub opening (minimum)</li><li>• Lug size - #6 to 2/0 AWG (load) , #4 AWG – 350 kcmil (line)</li><li>• Bottom knockout – 3" conduit (for incoming utility cable)</li><li>• Hub not included</li><li>• Disconnect switch</li></ul>
<p>Single-Phase Multiple Position OH/UG 200 A with disconnect switch.</p> <ul style="list-style-type: none"><li>• Large hub opening</li><li>• Lug size - #2 AWG to 350 kcmil (load) , 1/0 AWG – 600 kcmil (line)</li><li>• Bottom knockout – 3" conduit (for incoming utility cable)</li><li>• Hub not included</li><li>• Disconnect switch</li></ul>
<p>Single-Phase Single Position UG 200 A.</p> <ul style="list-style-type: none"><li>• Lug size - #2 AWG to 350 kcmil</li><li>• Bottom knockouts – two 3" conduits</li><li>• Sided wired</li></ul>
<p>Single-Phase Single Position UG 320 A:</p> <ul style="list-style-type: none"><li>• Lug size - #4 AWG to 600 kcmil</li><li>• Bottom knockouts – two 4" conduits</li><li>• Bypass lever with jaw release</li><li>• Sided wired</li><li>• Anti-insertion/anti-inversion (stops 200A meter from being inserted into 320 A socket)</li></ul>
<p>Single-Phase Single and Double Position UG Pedestal 200 A:</p> <ul style="list-style-type: none"><li>• Lug size - #2 AWG to 350 kcmil</li></ul>

## METERING INSTALLATIONS – FirstEnergy Operating Companies

FORM 118 (Rev. 8-04)  
ID No 58015163

- Must be weatherproofed
- Galvanized steel split door hinges
- Minimum dimensions: 42" wide, 60" high and 20" deep
- 14 gauge electroplated galvanized or equivalent gray painted steel
- CT mounting type – Company will provide dimensions upon request

### Gangable sockets

- Max. height to center of top socket 72"
- Min. height to center of bottom socket 24" (indoor), 30" (outdoor)
- Min spacing between meters 8"
- Plastic jaw guides
- Five jaw standard for three-phase in, single-phase out (for 120/208 V three-wire applications)
- 320 A units approved on a case by case basis
- Residential units – no bypass lever. Commercial units – bypass lever required
- A hasp for a padlock may be provided in place of barrel lock

### METERING EQUIPMENT INSTALLATION GUIDELINE SUMMARY

- All metering equipment locations shall be approved by the Company.
- The meter socket shall be mounted level.
- Mount the socket on a solid part of the structure.
- Use corrosion inhibited mounting hardware.
- Do not mount the socket with nails.
- Meter socket to be surface mounted. Do not build in or enclose the meter socket or meter within the structure.
- Do not recess the meter socket in brick, masonry or siding.
- The installation shall meet the requirements set forth by the NEC and any local, state, or federal codes which apply to the installation. For installations which require electrical inspection, the inspection is required before the installation is connected to the Company's system.
- It is recommended that all work on customer facilities be performed by a qualified electrical contractor.
- Customer's meters, auxiliary devices, relays, etc., shall normally not be connected to the Company's metering circuits.
- The Company will furnish the metering facilities required in accordance with its' standard rate schedules.

#### Minimum Size Meter Socket - 480 Volt Services

- The smallest permissible size meter socket on 480Y/277 volt three-phase 4 wire services and on 240/480 volt single-phase (highway lighting) services is 200 amps.

#### Installations Requiring 320 Amperes and Less of Metering Load

- Typically on new installations or on existing installations where the service entrance conductors, service entrance panel, or main disconnect switch are rearranged, the meters will be installed outdoors. If an indoor installation is required, the Company shall be consulted prior to starting the installation.

#### Installations Requiring 400 Amperes and Over of Metering Load

- The Regional Meter Department will determine in each case (either new or to be rebuilt) the type of meter installation to be made.
- In Ohio, interval meters will be required for customers who select a Certified Supplier other than the regulated utility and have a maximum annual peak demand greater than or equal to 200 kW for the most recent twelve (12) month period, and for all customers whose expected load pattern does not match one of the Company's standard load profiles. Either the customer or the Certified Supplier shall provide, at its sole cost and expense, the installation, operation, and maintenance of the required compatible communication/telephone link(s) in order to transmit metered information from meters equipped for telemetry of metered data.
- Instrument transformers are required for these installations. In most situations, the customer will supply and install a current transformer cabinet or mounting facilities in accordance with Company requirements. See Exhibit 16. These instrument transformer cabinets are **not to be used as junction boxes or raceways (troughs)**. Other alternative current transformer locations, as determined by the Regional Meter Manager or designee, may be applicable as per Exhibits 17 or 18. All instrument transformer locations must be readily accessible to authorized Company representatives for checking and testing. However, before such an installation is made, the Company must be consulted regarding the meter location and facilities required.
- When the space above the instrument transformer cabinet is intended as the location for the meter or meters, it is necessary that adequate space be reserved for this purpose.
- Where the instrument transformer and/or service conductors are of such size that it is not practical to use instrument transformer cabinets, the current transformers may be mounted, at the customer's expense, in a bus structure. The current transformer compartment shall have a hinged lockable door. However, before such an installation is made, the Company must be consulted regarding the meter location and facilities required.
- For services exceeding 2,400 amperes, the customer shall provide a switchgear enclosure for metering. Switchgear compartments meeting ANSI C57.12.28 must be a minimum of 36"H x 30"W x 20"D with a bus separation of at least 10.5 inches on center, 7.5 inches minimum separation from the enclosure sides, and located on the supply side of any protective equipment. Bus dimension shall be a maximum of 5" to allow for window type CT's. Contact the Regional Meter Department for additional details (and to determine if the nature of the installation allows for an alternative metering arrangement).

Approved Current Transformer Enclosures

- When a current transformer cabinet is required, the customer shall provide an approved one from the table shown below. These cabinets shall not be used as junction boxes for circuit extensions and shall have line and load sides identified.

Size	Manufacturer	Catalog Number
400 - 800 Amp	Austin Company	CT3-800
	Hoffman Enclosures	A800CT1 (Indoor/Outdoor) A800HCT1 (Hinged, Indoor/Outdoor)
	East Coast Panel Board	CTJ-800 (Indoor) CTJ-800R (Outdoor)
	Hy-Tech Controls	HTC-800-I (Indoor) HTC-800-I-NB (Indoor)* HTC-800-O (Outdoor) HTC-800-O-NB (Outdoor)*
	Lake Shore Electric	J-Series (Indoor/Outdoor)
	Milbank	U5095-O (Indoor/Outdoor)
	Meter Devices Company, Inc.	511U7061 (Indoor/Outdoor)
1000 Amp	East Coast Panel Board	CTJ-1000 (Indoor) CTJ-1000R (Outdoor)
	Hy-Tech Controls	HTC-1200-I (Indoor) HTC-1200-I -NB (Indoor) * HTC-1200-O (Outdoor) HTC-1200-O-NB (Outdoor)*
	Lake Shore Electric	M-Series (Indoor/Outdoor)
1200 Amp	East Coast Panel Board	CTJ-1200 (Indoor) CTJ-1200R (Outdoor)
	Hy-Tech Controls	HTC-1200-I (Indoor) HTC-1200-I -NB (Indoor) * HTC-1200-O (Outdoor) HTC-1200-O-NB (Outdoor)*
	Lake Shore Electric	M-Series (Indoor/Outdoor)
1600 Amp	East Coast Panel Board	CTJ-1600 (Indoor) CTJ-1600R (Outdoor)
	Hy-Tech Controls	HTC-2000-I (Indoor) HTC-2000-I -NB (Indoor) * HTC-2000-O (Outdoor) HTC-2000-O-NB (Outdoor)*
	Lake Shore Electric	S-Series (Indoor/Outdoor)

\* = Neutral Block Option

Size	Manufacturer	Catalog Number
2400 Amp	East Coast Panel Board	CTJ-2400 (Indoor) CTJ-2400R (Outdoor)
	Hy-Tech Controls	HTC-3000-I (Indoor) HTC-3000-I -NB (Indoor) * HTC-3000-O (Outdoor) HTC-3000-O-NB (Outdoor)*
	Lake Shore Electric	S-Series (Indoor/Outdoor)

\* = Neutral Block Option

Meter Location

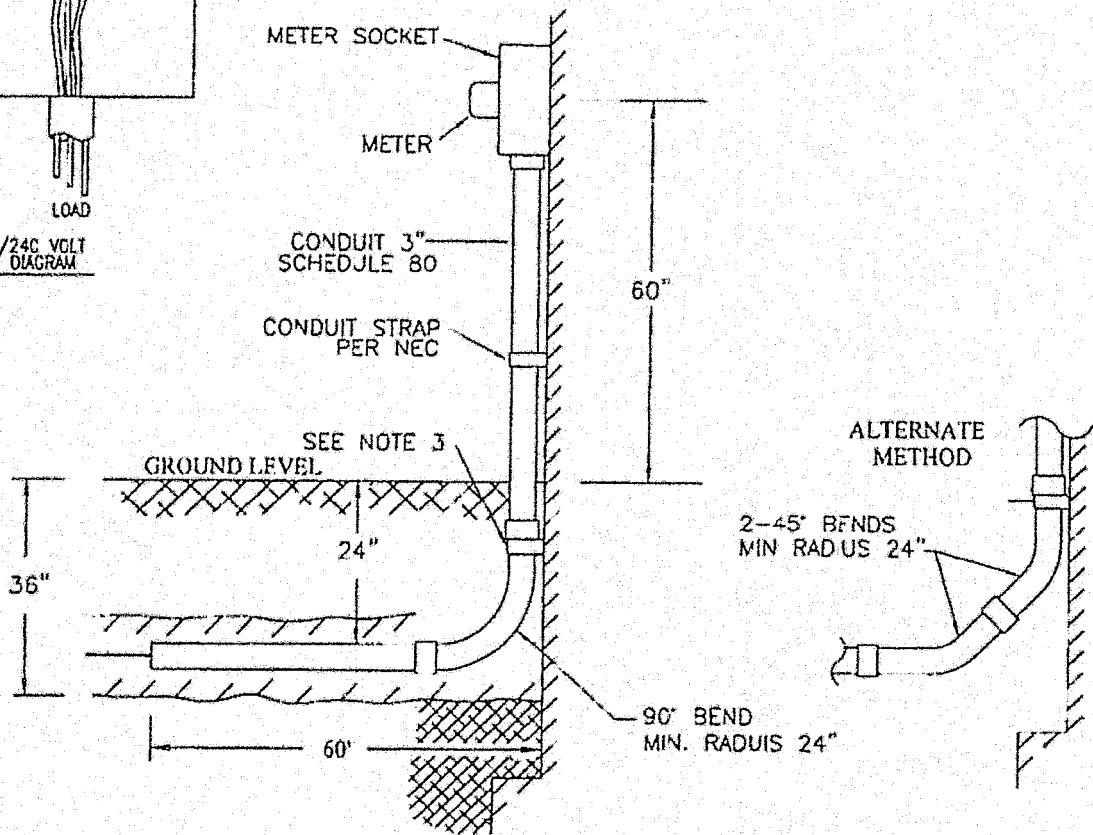
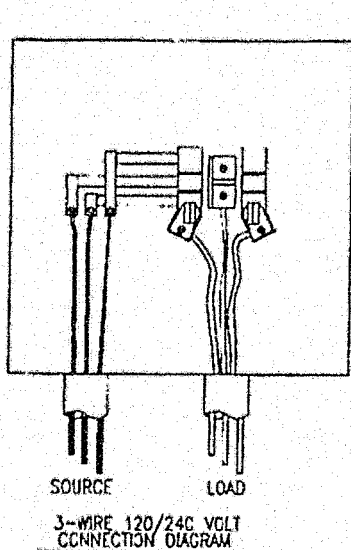
- Outdoor

1. All new outdoor meter installations shall be located on the building at the nearest practical point from Company facilities and readily accessible to authorized Company representatives. Clearance in front of and to the sides of meter sockets must be maintained as per the NEC Section 110.26. The location should not be subject to severe vibration. Meters shall not be installed in locations where the meter readers or service personnel may inadvertently damage flower beds or shrubbery or where it will be necessary for them to climb over fences or other obstructions to read or service the meters. Additionally, they shall not be installed in locations where they may be accidentally damaged, such as on buildings where they will extend unguarded into alleys or driveways, or where they will cause inconvenience to the customer or the Company.
2. Meters, located outdoors, should be placed so that the center of the meter socket will be five feet above final grade level. However, if it appears necessary to locate a meter over a sidewalk or walkway, contact the Company.
3. Steel concrete filled barrier posts must be installed by the customer to protect metering equipment where vehicle traffic may interfere with or damage such equipment.

- Indoor (must be pre-approved by Regional Meter Manager)

1. Where an indoor installation is required, the meters should be located on the first floor or in the basement where they will be readily accessible to authorized Company representatives. The location should not be subject to severe vibration, excessive dampness, high magnetic fields, or excessive heat and must be installed in accordance to the NEC.
2. In multiple occupancy (more than two occupancies) buildings, where several floors, apartments, stores, etc., are rented separately, meters and service equipment shall be located preferably all together. In high rise buildings, it may be necessary to have several meter locations, possibly every other floor or every third floor as may be necessary.
3. The meter room or space shall be readily accessible to all tenants and Company representatives at hours specified in accordance with the filed rates, rules and regulations. This room shall be for the sole purpose intended and shall meet local fire codes as well as the NEC. This room shall not be used for the storage of materials or equipment.

- See Exhibit 8 for typical indoor/outdoor installation for multiple occupancy



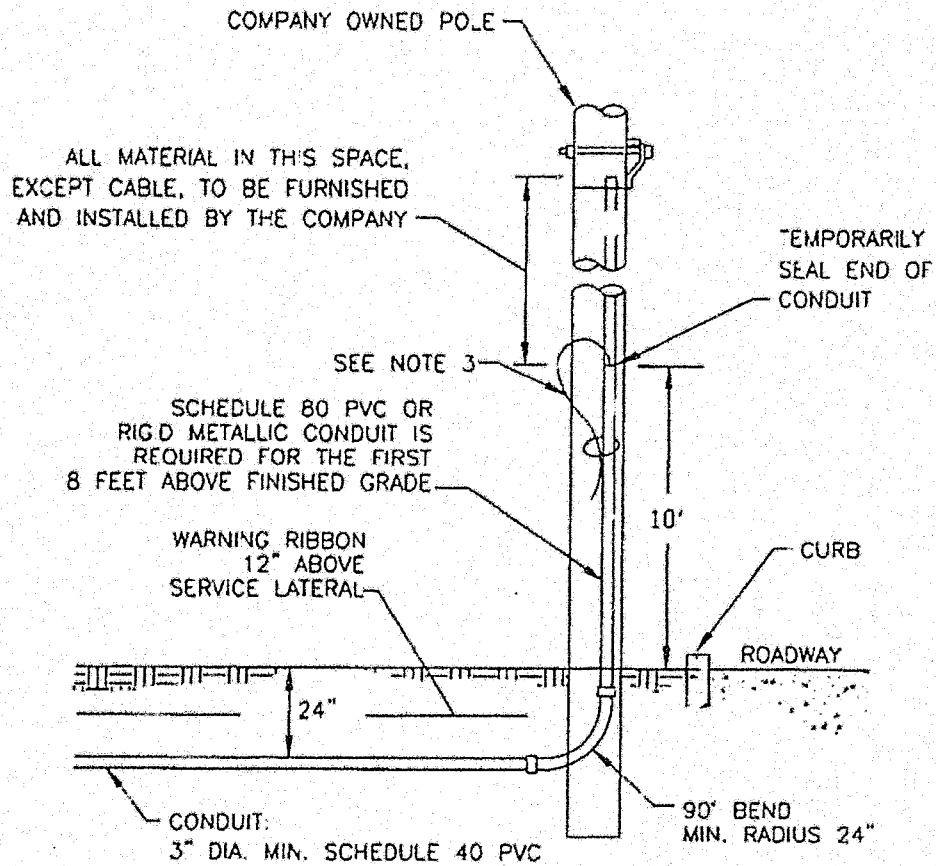
**NOTES:**

1. METER SOCKET MAY BE CONNECTED TO AN EXTERNAL GROUND ROD IF REQUIRED BY LOCAL INSPECTION AUTHORITY.
2. CUSTOMER TO SUPPLY AND INSTALL SERVICE LATERAL METER RISER CONDUIT AS SHOWN ABOVE. (BOND ALL JOINTS)
3. CONDUIT STRAP—LOCATE HEAVY GAUGE 2 HOLE GALVANIZED STRAP JUST BELOW BEND COUPLING. ANCHOR SECURELY INTO MASONRY USING 3/8" MIN. DIAMETER FASTENERS.

THIS EXHIBIT APPLICABLE FOR:  
 JERSEY CENTRAL POWER & LIGHT  
 MET-ED  
 PENELEC

SINGLE PHASE UNDERGROUND SERVICE  
 LATERAL INSTALLATION  
 (LESS THAN 400 AMP)

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**NOTES:**

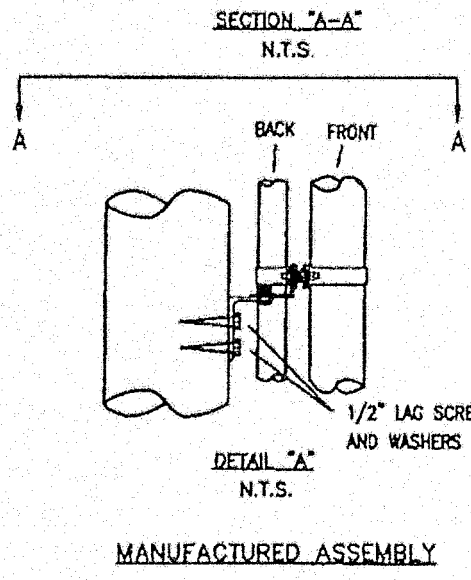
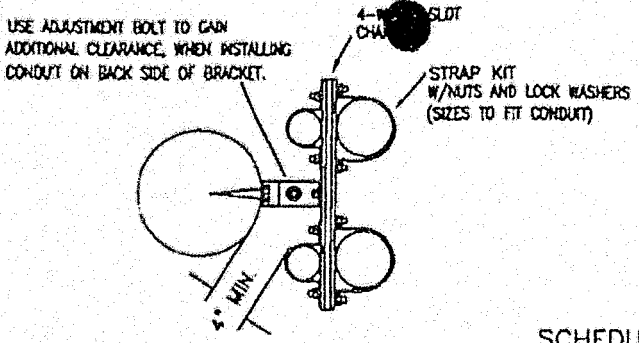
1. THE COMPANY WILL DESIGNATE THE QUARTER OF THE POLE FOR INSTALLATION OF THE SERVICE RISER, BASED UPON TRAFFIC FLOW AND LOCATION OF TELEPHONE OR CABLE COMPANY ATTACHMENTS.
2. WHEN THE CONDUIT RISER IS 3" IN DIAMETER, IT SHALL BE STRAPPED DIRECTLY TO THE POLE. WHEN TWO 3" RISER CONDUITS OR CONDUITS GREATER THAN 3" IN DIAMETER ARE REQUIRED, THEY SHALL BE INSTALLED ON COMPANY SUPPLIED STAND-OFF BRACKETS. (SEE EXHIBIT 7B)
3. CUSTOMER TO INSTALL NEC APPROVED RISER CONDUIT APPROX. 10 FEET (15 INCHES FOR MET-ED ONLY), AND IF CUSTOMER IS TO INSTALL CABLE, FURNISH ENOUGH CABLE AT THE TOP TO REACH THE COMPANY'S SECONDARY MAIN OR TRANSFORMER. IF COMPANY IS TO INSTALL CABLE, CUSTOMER IS TO PROVIDE PULL ROPE.
4. IF METALLIC CONDUIT IS USED FOR THE SERVICE RISER, IT MUST BE GROUNDED IN ACCORDANCE WITH NATIONAL ELECTRICAL CODE (NEC) REQUIREMENTS.
5. FOR CUSTOMER/COMPANY RESPONSIBILITIES SEE COMPANY SPECIFIC SERVICE GUIDE EXHIBIT 19.

THIS EXHIBIT APPLICABLE FOR:  
JERSEY CENTRAL POWER & LIGHT  
MET-ED  
PENELEC

DIRECT ATTACHMENT OF CUSTOMER  
UNDERGROUND SECONDARY SERVICE(S)  
ON JCP&L, MET-ED OR PENELEC POLES

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Service Guide	REV.
EXHIBIT 6B	2
	DATE
	8/04

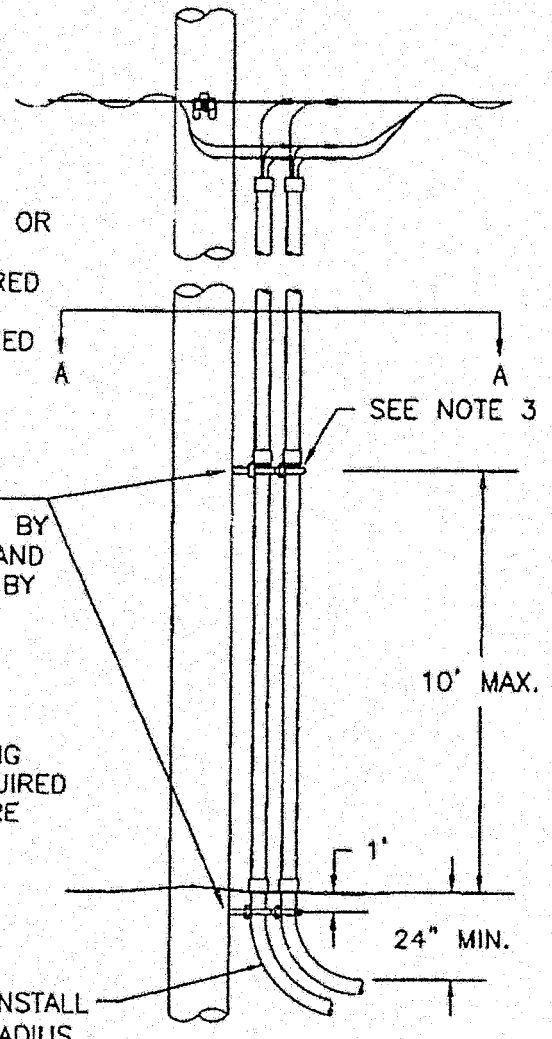


SCHEDULE 80 PVC OR RIGID METALLIC CONDUIT IS REQUIRED FOR THE FIRST 8 FEET ABOVE FINISHED GRADE.

BRACKETS FURNISHED BY COMPANY AND INSTALLED BY CUSTOMER.

APPROVED GROUND CLAMP AND BONDING JUMPERS ARE REQUIRED WHEN CONDUITS ARE METALLIC.

CUSTOMER TO INSTALL 90°-24" MIN. RADIUS PVC BEND, SCHEDULE 80



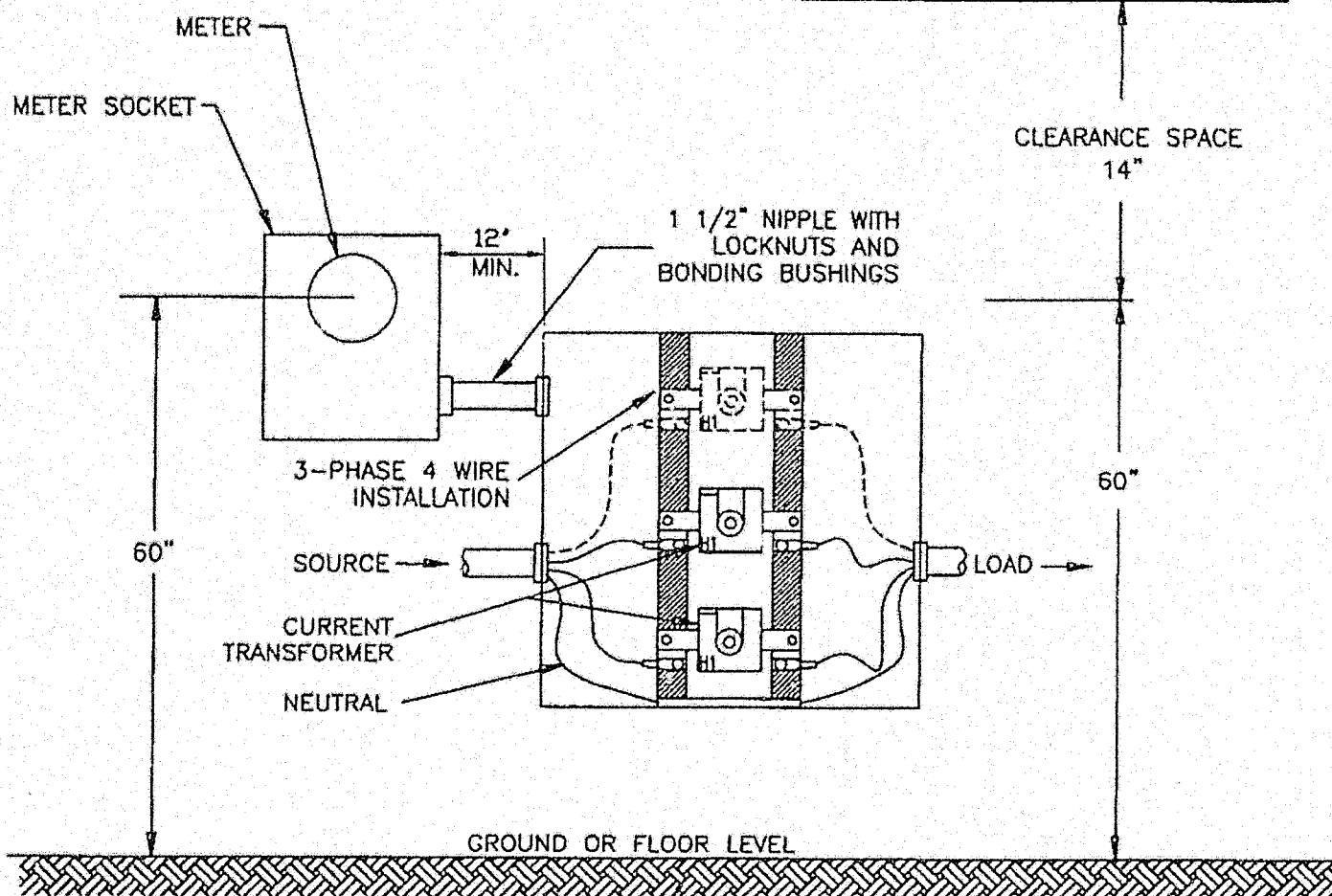
**NOTES:**

1. THE COMPANY WILL DESIGNATE THE QUARTER OF THE POLE FOR INSTALLATION OF THE SERVICE RISER, BASED UPON TRAFFIC FLOW AND LOCATION OF TELEPHONE COMPANY ATTACHMENTS.
2. WHEN THE CONDUIT RISER IS 3" IN DIAMETER, IT SHALL BE STRAPPED DIRECTLY TO THE POLE (SEE EXHIBIT 6B); RISER CONDUITS GREATER THAN 3" IN DIAMETER SHALL BE SET-OFF 5 1/2" FROM POLE ON COMPANY SUPPLIED STAND-OFF BRACKETS.
3. CUSTOMER TO INSTALL NEC APPROVED RISER CONDUIT APPROX. 10 FEET, AND IF CUSTOMER IS TO INSTALL CABLE, FURNISH ENOUGH CABLE AT THE TOP TO REACH THE COMPANY'S SECONDARY MAIN OR TRANSFORMER. IF COMPANY IS TO INSTALL CABLE, CUSTOMER IS TO PROVIDE PULL ROPE.
4. IF METALLIC CONDUIT IS USED FOR THE SERVICE RISER, IT MUST BE GROUNDED IN ACCORDANCE WITH NATIONAL ELECTRICAL CODE (NEC) REQUIREMENTS.
5. FOR CUSTOMER/COMPANY RESPONSIBILITIES SEE COMPANY SPECIFIC SERVICE GUIDE EXHIBIT 19.

THIS EXHIBIT APPLICABLE FOR:  
 JERSEY CENTRAL POWER & LIGHT  
 MET-ED  
 PENELEC

STAND-OFF ATTACHMENT OF CUSTOMER UNDERGROUND SECONDARY SERVICE(S) ON JCP&L, MET-ED, OR PENELEC POLES

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EXHIBIT 7B	DATE 8/04



**NOTES:**

1. BOND AND GROUND ACCORDING TO NEC 250.
2. MOUNT H1 TOWARD SOURCE.
3. PHASE ROTATION 1-2-3 TOP TO BOTTOM OR LEFT TO RIGHT.
4. METER SOCKET MAY BE CONNECTED TO AN EXTERNAL GROUND ROD IF REQUIRED BY LOCAL INSPECTION AUTHORITIES.
5. CUSTOMER MAY BE REQUIRED TO PROVIDE A TELEPHONE LINK TO THE METER SOCKET LOCATION. CONTACT THE REGIONAL METER MANAGER.
6. FOR CUSTOMER/COMPANY RESPONSIBILITIES SEE COMPANY SPECIFIC SERVICE GUIDE EXHIBIT 20.
7. CT CABINET TO BE INSTALLED ON EXTERIOR BUILDING WALL, UNLESS APPROVED BY METER MANAGER.
8. NO CONDUITS SHALL ENTER TOP OF CT CABINET.

METERING INSTALLATION – INDOOR/OUTDOOR  
WITH CURRENT TRANSFORMERS

**FirstEnergy.**

Service Guide

REV.

4

EXHIBIT 16

DATE

7/03

**1. Overhead Service**

MATERIAL	SUPPLIED BY	INSTALLED BY
Service Drop w/ connectors	Met-Ed	Met-Ed
Service Entrance	Customer	Customer
Connectors @ Meter Socket	Customer	Customer
Meter Socket 320 Amp or less <sup>3</sup>	Customer	Customer
Meter	Met-Ed	Met-Ed

**2. Underground Service**

MATERIAL	SUPPLIED BY	INSTALLED BY
Service Lateral- Residential	Met-Ed	Met-Ed <sup>2</sup>
Service Lateral-Commercial	Customer	Customer <sup>1</sup>
Trench / Backfill	Customer	Customer
Service Entrance	Customer	Customer
Connectors @ Transformer or Handhole	Met-Ed	Met-Ed
Connectors @ Meter Socket	Customer	Met-Ed
Meter Socket 320 Amp or less	Customer	Customer
Meter	Met-Ed	Met-Ed

**Note:**

1. Customer installs first 15 inches of conduit on pole. Met-Ed installs the remainder.
2. Met-Ed installs all direct buried cable. The customer is responsible for installing cable in conduit.
3. Single-phase installations to be 100 amp minimum unless approved by Regional Meter Manager. This includes service to sign boards, flashing lights, cable TV amplifiers, traffic signals, etc.
4. Meter socket may not be located within 3 feet of gas meters or within 8 feet of facilities having combustible properties.

**SERVICE MATERIAL GUIDELINE  
APPLICATIONS WITH SELF-CONTAINED METERING  
MET-ED**

**FirstEnergy**

Service Guide	Rev. 2
EXHIBIT 19F	Date 8/04

## 1. Overhead Service

MATERIAL	SUPPLIED BY	INSTALLED BY
Service Drop w/ connectors	Met-Ed	Met-Ed
Service Entrance	Customer	Customer
Current Transformers	Met-Ed	Customer
CT Cabinet (if applicable)	Customer	Customer
Metering Conductors	Met-Ed	Met-Ed
Metering Conduit	Customer	Customer
Transf. Rated Meter Socket	Met-Ed	Customer
Meter	Met-Ed	Met-Ed

## 2. Underground Service

MATERIAL	SUPPLIED BY	INSTALLED BY
Service Lateral -Residential	Met-Ed	Met-Ed
Service Lateral-Commercial	Customer	Customer
Trench / Backfill	Customer	Customer
Service Entrance	Customer	Customer
Connectors @ Transformer or Handhole (Residential)	Met-Ed	Met-Ed
Connectors @ Transformer or Handhole (Commercial)	Customer	Customer <sup>1</sup>
Connectors @ Service Equipment	Customer	Customer
Current Transformers	Met-Ed	Customer
CT Cabinet (if applicable)	Customer	Customer
Metering Conductors	Met-Ed	Met-Ed
Metering Conduit	Customer	Customer
Transf. Rated Meter Socket	Met-Ed	Customer
Meter	Met-Ed	Met-Ed

Note:

1. Met-Ed will make final connection.
2. For all single-phase and three-phase 480 volt services, special safety considerations may apply. Contact the Regional Meter Department concerning the requirements for a lockable disconnect prior to the meter.

SERVICE MATERIAL GUIDELINE  
APPLICATIONS WITH CURRENT TRANSFORMERS  
MET-ED

**FirstEnergy**

Service Guide	Rev. 2
EXHIBIT 20F	Date 8/04

**METROPOLITAN EDISON COMPANY**  
**READING, PENNSYLVANIA**

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Electric Service Tariff

Effective in

The Territory as Defined on  
Page Nos. 11 - 13 of this Tariff

**DOCUMENT**

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PA PUBLIC UTILITY COMMISSION  
SECRETARY'S BUREAU

Issued: April 26, 2002

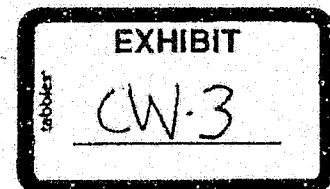
Effective: May 6, 2002

By: H. Peter Burg, CEO  
Reading, Pennsylvania

**NOTICE**

This Supplement revises Rule 3 - Definitions of Terms and  
Rule 7 - Extension of Company Facilities: System Upgrades  
See Twelfth Revised Page 2.

C-20030854



## LIST OF MODIFICATIONS

GENERAL RULES AND REGULATIONSChanges

## Rule 3 - Definition of Terms:

**Customer** - Modified definition to match definition included in Rule 7. (See First Revised Page 17 and Second Revised Page 24)

**Line Extension(s)** - Modified definition to match definition included in Rule 7. (See First Revised Page 18 and Second Revised Page 24)

**Non-Speculative Line Extension** - Modified definition to match definition included in Rule 7. (See First Revised Page 18 and Second Revised Page 25)

**Speculative Line Extension** - Was modified to change the term line extension to a defined term. (See First Revised Page 19)

## Rule 7 - Extension of Company Facilities: System Upgrades:

Definition of **Applicant** was modified to match definition included in Rule 3. (See Second Revised Page 23)

Definition of **Development** was modified to replace the term "utility's" with "Company's". (See Second Revised Page 24)

Definition of **Permanent Residential Customer** was modified to match the definition included in Rule 3. (See Second Revised Page 25 and First Revised Page 18)

Definition of **Speculative Line Extension** was modified to match definition included in Rule 3. (See Second Revised Page 25 and First Revised Page 19)

Definition of **Subdivision** was modified to replace the term "utility's" with "Company's". (See Second Revised Page 26)

**Company Obligations** section under (3) **Underground Electric Service in New Residential Developments** was modified to provide further clarity. (See Second Revised Page 29)

**Temporary Service** section was modified to provide further clarity. (See Second Revised Page 33)