

COMMONWEALTH OF PENNSYLVANIA
PUBLIC UTILITY COMMISSION

William J. McLaughlin, |
v. |
PECO Energy

Docket No.:
F-01500972

State Office Building
1400 West Spring Garden Street
Philadelphia, PA 19130
June 21, 2004
Commencing at 1:00 p.m.

BEFORE: Marlane Chestnut
Administrative Law Judge

APPEARANCES:

WILLIAM J. MCLAUGHLIN
Pro Se

ANTHONY D. KANAGY, ESQUIRE
2301 Market Street
Philadelphia, PA 19101
For the Respondent

RECEIVED

JUN 30 2004

PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

REPORTER: TRANESHA M. BOWEN

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<u>WITNESS</u>	<u>DIRECT</u>	<u>CROSS</u>	<u>REDIRECT</u>	<u>RECROSS</u>
McLaughlin	8	9		

P R O C E E D I N G S

1
2
3 JUDGE CHESTNUT:

4 Mr. McLaughlin?

5 MR. MCLAUGHLIN:

6 Yes, I'm still here.

7 JUDGE CHESTNUT:

8 Mr. Kanagy?

9 ATTORNEY KANAGY:

10 Yes, Judge.

11 JUDGE CHESTNUT:

12 Do you need to have a witness connected,
13 or is that taken care of?

14 ATTORNEY KANAGY:

15 My witness is here with me.

16 JUDGE CHESTNUT:

17 Okay. Then we'll get started. Mr.
18 McLaughlin, I have the Court Reporter here, who is
19 taking down what is being said and will produce a
20 written record of this hearing, okay?

21 MR. MCLAUGHLIN:

22 Yes, ma'am.

23 JUDGE CHESTNUT:

24 This is the hearing scheduled at Docket
25 E-01500972. For the record, let me state that I am

1 Administrative Law Judge Marlane R. Chestnut. I would
2 like each of you to identify yourselves for the
3 record. State your name, your address, and your
4 telephone number. And we'll start with you, Mr.
5 McLaughlin, please?

6 MR. MCLAUGHLIN:

7 Yes, my name is William J. McLaughlin. I
8 live at 241 Leon Avenue, Norwood, Pennsylvania 19074.

9 JUDGE CHESTNUT:

10 Your telephone number, please?

11 MR. MCLAUGHLIN:

12 It's area code 610-534-8984.

13 JUDGE CHESTNUT:

14 Thank you. Mr. Kanagy?

15 ATTORNEY KANAGY:

16 This is Anthony Kanagy, A-N-T-H-O-N-Y,
17 K-A-N-A-G-Y. And I am Counsel for PECO Energy. My
18 address is 2301 Market Street, Philadelphia, PA 19103.
19 And my telephone number is area code 215-841-5974.

20 JUDGE CHESTNUT:

21 Thank you. Now by cover letter dated
22 January 14th, 2004, I received a packet of three
23 proposed exhibits from you, Mr. Kanagy; is that
24 correct?

25 ATTORNEY KANAGY:

1 June 14th, Your Honor.

2 JUDGE CHESTNUT:

3 I'm sorry, June 14th. That's right. Mr.
4 McLaughlin, did you get that?

5 MR. MCLAUGHLIN:

6 Yes, I did, Your Honor.

7 JUDGE CHESTNUT:

8 And I didn't get anything from you?

9 MR. MCLAUGHLIN:

10 No, I didn't really --- I'm really at a
11 loss here. I didn't have anything to really produce.

12 JUDGE CHESTNUT:

13 Well, I have to say I'm kind of wondering
14 why you filed this complaint. The way I understand it
15 from what you wrote is that you want your security
16 deposit back?

17 MR. MCLAUGHLIN:

18 Yes, okay, I don't mean to interrupt you,
19 I'm sorry.

20 JUDGE CHESTNUT:

21 Before we actually get started and I
22 swear you in, I guess I'm a little confused here
23 because the regulation governing refund the security
24 deposits, wasn't that explained to you by PECO?

25 MR. MCLAUGHLIN:

1 Well that's where the problem came in
2 when ---.

3 JUDGE CHESTNUT:

4 You know, if you're going to testify ---
5 I'm sorry to interrupt you.

6 MR. MCLAUGHLIN:

7 I'm sorry.

8 JUDGE CHESTNUT:

9 I just want to make it clear to you there
10 is a regulation and that does apply to your situation.
11 And it doesn't seem like you fall within it. But what
12 I was going to do was ---. Well, this is a little
13 awkward here. We can go through this, Mr. McLaughlin,
14 and you can explain your position, but the regulation
15 is what the regulation is.

16 MR. MCLAUGHLIN:

17 I understand.

18 JUDGE CHESTNUT:

19 I cannot direct PECO to deviate from
20 that. However, the company might be willing, I don't
21 know, to give you some kind of a break. Are you
22 willing to do that, Mr. Kanagy, or should we just go
23 ahead?

24 ATTORNEY KANAGY:

25 No, Your Honor. We should probably just

1 go ahead.

2 JUDGE CHESTNUT:

3 Okay. Mr. McLaughlin, let me swear you
4 in then.

5 -----

6 WILLIAM J. MCLAUGHLIN, HAVING FIRST BEEN DULY SWORN,
7 TESTIFIED AS FOLLOWS:

8 -----

9 JUDGE CHESTNUT:

10 Go ahead, then. I guess there's really
11 no factual dispute, is there? You gave PECC a
12 security deposit of \$390?

13 A. Yes.

14 JUDGE CHESTNUT:

15 And you would like it back?

16 A. Yes.

17 JUDGE CHESTNUT:

18 Is there anything else?

19 A. No, that's really it. I'm sorry, I didn't mean to
20 interrupt you.

21 JUDGE CHESTNUT:

22 No, that's okay, go ahead.

23 A. When this first happened, of course, I had to give
24 the security deposit. And I thought it was explained
25 to me that if I'm allowed to give my position right

1 now ---. Are you still there, Judge?

2 JUDGE CHESTNUT:

3 Yes, I am.

4 A. That if I --- if my service was uninterrupted in a
5 year that I'd get it back. But when I went back in a
6 year to talk about it with someone on the phone, they
7 explained to me that either I must have misinterpreted
8 is what happened, they said if I had not been late
9 with my payments for 12 months I would have received
10 it back. In my financial situation, it was impossible
11 for me to do that.

12 JUDGE CHESTNUT:

13 Mr. Kanagy, do you have any questions for
14 Mr. McLaughlin?

15 ATTORNEY KANAGY:

16 I guess just one.

17 CROSS EXAMINATION

18 BY ATTORNEY KANAGY:

19 Q. Mr. McLaughlin, I guess --- are you aware that if
20 you --- you still can get your security deposit back
21 if you start making payments now and make full ---
22 make payments for a year?

23 A. I understand that. And that's --- see, within the
24 next month I'm going to be changing jobs and I'm going
25 to be getting an extra \$7 an hour income, which is a

1 very substantial, you know, increase on my end. And I
2 know I'll be able to do that once this happens. But
3 until then I'm so strapped with my funds right now
4 it's impossible for me to make on-time payments for a
5 12-month period starting right this minute because of,
6 like I said, my financial situation, sir.

7 JUDGE CHESTNUT:

8 Well, that sounds pretty good, Mr.
9 McLaughlin. I'm glad for your sake that you ---.

10 A. So am I.

11 JUDGE CHESTNUT:

12 But the way --- am I correct, Mr. Kanagy,
13 that 12-month period could start anytime, doesn't it?

14 ATTORNEY KANACY:

15 Yes.

16 A. Okay. Until this happens, the way --- with the
17 job I have now, I didn't see any way in the future
18 that I was going to be able to ever get this money
19 back because I wasn't making enough money. And over
20 time, of course it's not available all the time and
21 everything, so I thought I would never get it back
22 until back in March this opportunity came up where I
23 took a test for this job and now I have to have an
24 interview coming up and I was speaking with people on
25 the phone and, I mean, I'm qualified for it and they

1 need the positions filled. So I'm very confident I'm
2 going to get it. And I mean, everything is pointing
3 towards that with everybody I've been talking to. So
4 if that happens, I'll be able to get myself back on my
5 feet. But until this time, I didn't know how else I
6 was going to resolve this.

7 JUDGE CHESTNUT:

8 We all understand that, Mr. McLaughlin.
9 But you do understand that at this point, if we went
10 ahead and I wrote a decision I would have to deny your
11 Complaint?

12 A. I understand that, Your Honor.

13 JUDGE CHESTNUT:

14 But the other option is if you would just
15 withdraw it.

16 A. I can do that.

17 JUDGE CHESTNUT:

18 Can you do that?

19 A. Yes, I can.

20 JUDGE CHESTNUT:

21 Mr. Kanagy, can you send him a standard
22 certificate of satisfaction letter?

23 ATTORNEY KANAGY:

24 Yes, I will do that, Your Honor.

25 JUDGE CHESTNUT:

1 What that means, Mr. McLaughlin, is that
2 you're --- it's a technical term that your Complaint
3 isn't satisfied. And it means that basically you
4 don't want to continue with it and the Commission can
5 just close this out administratively. You'll get a
6 letter from the Commission about it.

7 A. Okay.

8 JUDGE CHESTNUT:

9 But I will not have to write a decision.

10 A. I understand that. So it's in my best interest to
11 do that, then?

12 JUDGE CHESTNUT:

13 Well ---.

14 A. I really don't have anything else to bring
15 forward. I think that's why you're saying this.

16 JUDGE CHESTNUT:

17 Yes.

18 A. Okay.

19 JUDGE CHESTNUT:

20 I am. And frankly, I don't want to have
21 to write it and make you sound, you know,
22 unreasonable.

23 A. I understand. And I did not want to be
24 unreasonable, believe me. My back's up against the
25 wall here, so.

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JUDGE CHESTNUT:

Like I said, I can certainly understand that. Is that okay with you, Mr. Kanagy?

ATTORNEY KANAGY:

Yes, Your Honor. We'll file that withdraw.

JUDGE CHESTNUT:

Anything else from either of you, then, Mr. McLaughlin?

A. Just that I want to thank you for the opportunity just to, you know, to speak. And I know your time is valuable, so I appreciate this.

JUDGE CHESTNUT:

Well, sure, thank you. Mr. Kanagy, anything from you?

ATTORNEY KANAGY:

Nothing, Your Honor.

JUDGE CHESTNUT:

Then thank you very much. Then this hearing is adjourned.

A. All right. Thank you.

* * * * *

HEARING CONCLUDED AT 1:07 P.M.

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C E R T I F I C A T E

I HEREBY CERTIFY THAT THE FOREGOING PROCEEDINGS
WERE REPORTED STENOGRAPHICALLY BY ME AND THEREAFTER
REDUCED TO TYPEWRITING AND THAT THIS TRANSCRIPT
IS A TRUE AND ACCURATE RECORD THEREOF.

SARGENT'S COURT REPORTING SERVICE, INC.

Janet M. Bowen

COURT REPORTER

Legal Department

Telephone 215 841 5544
www.exeloncorp.com

Business Services
Company

Exelon Business Services Company
2401 Market Street
PO Box 8609
Philadelphia, PA 19101

Direct Dial: (215) 841-5974

June 14, 2004

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Via FedEx

Administrative Law Judge Marlane R. Chestnut
1302 Philadelphia State Office Building
1400 West Spring Garden Street
Philadelphia, PA 19130

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JUN 15 2004

PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

RE: **William J. McLaughlin v. PECO Energy Company**
PUC Docket No. F-01500972
Hearing Date: Monday, June 21, 2004

Dear Judge Chestnut:

Enclosed are PECO Energy Company's Exhibits, which it plans to use at the above-referenced hearing. By copy of this letter, I am sending a copy of these documents to the Complainant.

Please call my direct dial number if you have any questions regarding this case.

Sincerely,

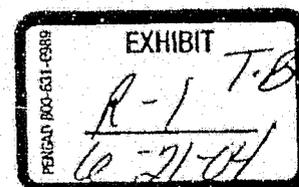
Anthony D. Kanagy
Anthony D. Kanagy
Counsel for PECO Energy Company

ADK/zr

Enclosure(s)

cc: William J. McLaughlin
241 Leon Avenue
Norwood, PA 19074-1618

R. Tarpley



DOCUMENT FOLDER

Account Statement
 Customer Name:
 Address:

William J McLaughlin
 241 Leon Av
 Norwood Pa 19074-1618

Prepared by: Regulatory Performance
 Formal Puc
 Docket #F-01500972

Account Number:

50-10-13-135535

Rates:

Residential Electric & Gas Heat

Bill Period	DAYS	Meter Reading -Type	USAGE	Dly Avg Use	Peco Bill Amt /Budget + Agmt	Supp Chg.	Sales Tax	Amount Reqsd	Due Date	Late Chg.	Payment	Date Pymt Recd	Balance	Comments
08/14/02	30	22591 - A 9807 - A	846 26	28.2 0.8	120.39 29.43			510.24	07/09/02	4.45			510.24	BM 04
07/16/02	32	23648 - A 9825 - A	1057 18	33.0 0.5	151.41 22.58			479.27	08/08/02	3.77	208.73	07/08/02	479.27	BM 04
08/15/02	30	25061 - A 9841 - A	1413 16	47.1 0.5	208.71 20.92			556.30	09/09/02	4.09	151.69	08/06/02	556.30	BM 07
09/13/02	29	26062 - A 9856 - A	1001 15	34.5 0.5	143.35 20.05			571.14	10/08/02	5.03	153.59	08/23/02	571.14	BM 04
10/14/02	31	26938 - A 9876 - A	876 20	28.2 0.6	118.11 24.33			540.41	11/07/02	4.91	178.08	09/18/02	540.41	BM 04
11/13/02	30	27171 - A 9985 - A	779 89	25.9 2.8	105.59 83.52			333.33	12/09/02	1.78	168.31 229.66	11/15/02 10/21/02	333.33	BM 03
12/13/02	30	28526 - A 123 - A	809 158	26.9 5.2	109.47 139.95			440.89	01/07/03	2.36	144.22	12/11/02	440.89	BM 03
01/15/03	33	29436 - A 308 - A	910 185	27.5 5.6	122.50 158.48			533.52	02/10/03	3.12	191.47	01/10/03	533.52	BM 03
02/13/03	29	30175 - A 537 - A	739 229	25.4 7.8	100.30 194.44 +100.00			401.37	03/10/03	6.53			834.89	Pymt Agmt \$100 + CB
03/14/03	29	30907 - A 729 - A	732 192	25.2 6.6	99.40 177.84 +100.00			382.66	04/08/03	5.42	401.37	03/14/03	716.18	
04/14/03	31	31675 - A 824 - A	768 95	24.7 3.0	104.06 98.87			694.47	05/07/03	8.88			927.99	BM 03

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 JUL 23 2004

Rec'd Exhibit 1

1/3

Account Statement

Customer Name: William J McLaughlin
 Address: 241 Leon Av
 Norwood Pa 19074-1618

Prepared by: Regulatory Performance
 Formal Puc
 Docket #F-01500972

Account Number: 50-10-13-135535 Rates: Residential Electric & Gas Heat

Bill Period	DAYS	Meter Reading - Type	USAGE	Diy Avg Use	Peco Bill Amt /Budget + Agmt	Supp Chg.	Sales Tax	Amount Req'd	Due Date	Late Chg.	Payment	Date Pymt Rec'd	Balance	Comments
04/15/04	31	42547 - A	788	25.4	107.70			1,889.22	05/10/04				2,025.65	
04/15/04	31	1841 - A	112	3.6	138.55									
05/14/04	29	43320 - A	773	26.6	105.76			2,073.84	06/08/04				2,170.27	
05/14/04	29	1868 - A	27	0.9	38.86									
					+ 40.00									
					105.10			1,502.97	04/07/04				1,779.40	
					167.58									

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

3.13

WILLIAM J MCLAUGHLIN

50-10-13-135535

06/14 PENDING AGMT
OTHER-CR PUC/LIT

/RMK

241 LEON AV

SP-AGR DEP

NORWOOD PA

19074

TEL-610-534-8984

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

ACTV TYPE	AGMT TYPE	AGMT-PUC	DATE OPN	AMOUNT	INSTALL	EXT DATE	DATE CLD	DISPOSITION
				416.43			INST	40.00
EXTN-CMS			09/17/03	230.58		09/27/03	09/27/03	KEPT
LEVEL 3A			09/04/03	230.58			09/22/03	UTL- PECC REF
LEVEL???			08/06/03	242.06			08/22/03	UTL- REF FSMT
LEVEL 3A			01/30/03	533.52	100.00		08/18/03	NOT KEPT
LEVEL 3A			06/26/03	245.81			07/11/03	UTL- PECC REF
LEVEL 3A			05/23/03	309.64			06/10/03	UTL- PECC REF
LEVEL 3A			12/27/02	191.47			01/14/03	UTL- PECC REF
LEVEL 3A			11/27/02	144.22			12/13/02	UTL- PECC REF
LEVEL 3A			10/31/02	168.31			11/18/02	UTL- PECC REF
LEVEL???			10/21/02	168.31			11/06/02	UTL- REF FSMT
LEVEL 3A			10/07/02	229.66			10/23/02	UTL- PECC REF
LEVEL 3A			09/04/02	178.08			09/20/02	UTL- PECC REF
LEVEL 3A			07/22/02	151.69			08/07/02	UTL- PECC REF
LEVEL???			07/05/02	360.42			07/23/02	UTL- REF FSMT
LEVEL 3A			06/05/02	208.73			06/21/02	UTL- PECC REF
LEVEL 3A			05/02/02	711.37			05/17/02	UTL- PECC REF
LEVEL 3A			04/26/01	1165.42	100.00		04/18/02	NOT KEPT
LEVEL 3A			02/28/02	405.17			03/19/02	UTL- PECC REF
LEVEL 3A			01/29/02	313.19			02/14/02	UTL- PECC REF
LEVEL 3A			01/14/02	307.49			01/30/02	UTL- PECC REF
LEVEL???			12/28/01	307.49			01/15/02	UTL- REF FSMT

COLLECTION SYSTEM

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JUL 23 2004

**DOCUMENT
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Peco Exhibit 2

Date 6/14/04

PA Public Utility Commission
Bureau Of Consumer Services
Inbound Closing Report

Case Number: 1500972
Customer Name: WILLIAM J MCLAUGHLIN
Address: 241 LEON AV
NORWOOD PA 19074-1618

Opened On: 9/29/03
Utility Type: Electric Distributor
Account Number: 501013135535
Company Name: PECO Energy

Prior Case: Total Balance: \$416.43 Balance Date:
Compliance
Violation(Alleged, Actual, No): NO Chap 56/64/Other: Section/Rule:
Decision Issued: Y Oral Written: W
Investigator: GILSON, KATHY PUC Decision Issued Dt: PUC Case Closed Dt: 10/9/03
Decision Recvd Dt: 10/9/03 10 25AM

Letter Description:

To Restore Service Pay: \$0.00 To Continue Service Pay: \$0.00 By:
Terms: beginning Oct 2003
Special Budget Amount: \$0.00 Regular Budget Amount: \$0.00 Plus Arrears Payment: \$0.00
Final Bill Monthly Payment: \$0.00 Current Bill Monthly Payment: \$40.00
End Of Month Payment: \$0.00

Par Description:

Resolution:

COMPL DISMISSED; CO NOT REQUIRED TO REFUND CUST'S SESC DEP UNTIL 12 CONSECUTIVE PMTS HAVE BEEN MADE BY DUE DATES. CUST'S ACCT WILL BE REVIEWED IN 2004. BEG W/BILL DUE 10/03 CUST MUST PAY ALL CB'S AS DUE PLUS ADD'L \$40/MO 1/ARREARS UNTIL ACCT BAL PAID IN FULL. NO LPCS. SENT WRITTEN DEC W/APPEAL RIGHTS.

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Recs Exhibit 3