

ORIGINAL

COMMONWEALTH OF PENNSYLVANIA  
PUBLIC UTILITY COMMISSION

-----X  
Donald and Patty Taylor v. :  
PECO Energy Company. Requests : Docket No.  
Payment Arrangements. : F-01482857

Initial Prehearing Conference :  
: :  
-----X

Pages 1 through 70 Hearing Room 1  
State Office Building  
1400 Spring Garden Streets  
Philadelphia, Pennsylvania

FEB 6 2005

Wednesday, January 12, 2005

Met, pursuant to notice at 1:35 p.m.

BEFORE:

HERBERT SMOLEN, Administrative Law Judge

APPEARANCES:

DONALD and PATTY TAYLOR  
4907 Parkside Avenue  
Philadelphia, Pennsylvania 19131  
(Pro Se)

LISA LUTZ, Esquire  
2301 Market Street  
P.O. Box 8699  
Philadelphia, Pennsylvania 19101  
(For PECO Energy Company)

*J.M.*  
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P R O C E E D I N G S

2 ADMINISTRATIVE LAW JUDGE HERBERT SMOLEN:

3 This is the matter of Donald and Patty Taylor  
4 versus PECO Energy Company in docket F-01482857.  
5 Again, my name is Herbert Smolen, Administrative  
6 Law Judge assigned by the Commission to hear the  
7 evidence in this case and to render an initial  
8 decision in writing in due course.

9 Let the record show that  
10 appearances have been entered as follows. The  
11 complainant, Donald Taylor is present and  
12 represents himself, and with him he has his  
13 wife, the other complainant, Patty Taylor. On  
14 behalf of PECO Energy Company, an apperance has  
15 been entered by Lisa Lutz, Esquire, and she has  
16 with her one witness.

17 Now, Mr. Taylor I'm going to  
18 briefly explain the way the procedure will  
19 follow out. First, I will place you under oath.  
20 I will ask you some preliminary questions, and  
21 then I will ask you the gravelment of your  
22 complaint, that is, what your complaint is all  
23 about. When you have completed your testimony,  
24 Ms. Lutz will have an opportunity to  
25 cross-examine based on your testimony. When she

2  
1 has completed her cross-examination, you will  
2 have an opportunity to respond to her questions  
3 if you want to add anything else. When you have  
4 completed your testimony, you may call your wife  
5 if you so desire, to also testify, and the same  
6 procedure will follow. When all of your  
7 evidence is in, that is all of the complainant's  
8 side of the case, Ms. Lutz will then have an  
9 opportunity to present her witness on behalf of  
10 PECO Energy Company to testify and introduce  
11 whatever exhibits, they may have. When that  
12 witness has completed her testimony, you will  
13 have an opportunity to cross-examine her based  
14 on her testimony and exhibits. When all of the  
15 evidence is in, the parties will have an  
16 opportunity to sum up their arguments in their  
17 cases, and if they desire, this not necessary,  
18 they can submit briefs. That's not a  
19 requirement, that's up to the discretion of the  
20 party.

3  
21 When all of the evidence is in, the  
22 Hearing will be adjourned. The Administrative  
23 Law Judge will review the record and consider  
24 the evidence, and then in due course, issue a  
25 written decision, which will be served on the

3  
1 parties by mail in the same manner as the  
2 notices of today's hearing were served on the  
3 parties. Any questions on the procedure?

4 MR. TAYLOR: No, sir

5 MS. LUTZ: I just want to note that  
6 I will have two witnesses this afternoon.

7 JUDGE SMOLEN: In this particular  
8 case?

9 MS. LUTZ: Yes.

10 JUDGE SMOLEN: Then it's noted of  
11 record.

12 - -

13 Whereupon,

14 DONALD TAYLOR

15 having been duly sworn, testified as follows:

16 DIRECT EXAMINATION

17 BY JUDGE SMOLEN:

18 Q. Keep your voice up. State your  
19 full name and address for the record.

20 A. My name is Donald Webster Taylor,  
21 my address is 4907 Parkside Avenue, Philadelphia  
22 19131.

23 Q. And you are the complainant in the  
24 case?

25 A. Yes, sir.

3  
1 Q. You are the rate payer in the case?

2 A. My wife and ...

3 Q. You're the customer, the two of  
4 you?

5 A. Yes.

6 Q. Now you say your address is 4907  
7 Parskide Avenue in Philadelphia?

8 A. That's correct.

9 Q. And how long have you resided  
10 there?

11 A. I resided there for approximately  
12 eight years.

13 Q. Please describe for the record,  
14 what your premises consist of?

15 A. I received a letter ...

16 Q. Describe for the record what your  
17 home is like. Is it an apartment?

18 A. I'm sorry. My house is a twin.

19 Q. It's a ...

20 A. Yes, it's a ...

21 Q. It's an attached home?

22 A. Yes, an attached home.

23 Q. Go through it and tell me how many  
24 bedrooms -- how many floors.

25 A. It's a three story.

- 3
- 1 Q. Let's start with the lowest story.
- 2 A. Okay.
- 3 Q. What is that?
- 4 A. It's the basement.
- 5 Q. And then next up is?
- 6 A. The first floor.
- 7 Q. And what's on the first floor?
- 8 A. Dining room, living room, kitchen.
- 9 Q. And on the second floor?
- 10 A. Three bedrooms and a bathroom.
- 11 Q. In the basement, is it a finished
- 12 basement or unfinished?
- 13 A. It's finished.
- 14 Q. And what's down there?
- 15 A. I have a make shift bar, washer and
- 16 dryer, a laundry room, and the heater, and
- 17 things like that are down there.
- 18 Q. And a washer and dryer?
- 19 A. Yes.
- 20 Q. Now, who resides in the home?
- 21 A. My wife, myself, my son and now my
- 22 daughter.
- 23 Q. How old is your son?
- 24 A. My son is eight-years old.
- 25 Q. And the daughter?

3  
1 A. My daughter is twenty-two.

2 Q. And so the four of you reside in  
3 the home?

4 A. At this present time, yes.

5 Q. Now, in your own words and in as  
6 chronological a fashion as possible, tell me  
7 what your complaint is all about?

8 A. Well, my complaint starts with  
9 PECO's accusations that our meter was tampered  
10 with.

11 Q. When was this?

12 A. It was in 2003, I believe, when I  
13 received a letter.

14 Q. So you received a letter from PECO?

15 A. Right. And the letter stated, with  
16 a revised bill, statement, that because of meter  
17 tampering -- the bill was five thousand, four  
18 hundred and something dollars because of  
19 evidence the technician had found.

20 Q. And how much was that revised bill  
21 again?

22 A. It was five thousand four hundred  
23 eleven dollars, give or take. Yes, five  
24 thousand, four hundred eleven dollars and thirty  
25 cents.

3  
1 Q. What was the date?

2 A. That was on 7/3/2003.

3 Q. Now, you received a letter, what  
4 did you do?

5 A. I called the electric company and  
6 complained of why it was so high.

7 Q. Do you know who you spoke with?

8 A. I don't have a name of who I spoke  
9 with at that time. I've spoken with several  
10 people. You ask in chronological order.

11 Actually, before then, I did call because, I  
12 noticed my bill was higher during that year, so  
13 I was calling, because I realized our bill was  
14 higher, and it just wasn't normally high like  
15 that, so they told me that they don't  
16 understand, sometimes you use your air condition  
17 so many times. They were explaining maybe why  
18 my bill was high. At that time no one explained  
19 to me that my meter was so-called tampered with  
20 until I received this letter.

21 Q. Approximately, when was your first  
22 call, if you can recall, to PECO complaining  
23 about a high bill?

24 A. I would say probably in 2002, maybe  
25 the summer of 2002, I'm not certain.

3  
1 Q. What happened on that call?

2 A. Well, I was wondering why my bill  
3 was so high ...

4 Q. I know, but what did they do?

5 A. They checked it out and they said,  
6 that's what the meter read.

7 Q. So someone was out there to check  
8 it?

9 A. No I have a meter outside.

10 Q. Oh, the meter is outside. Okay, go  
11 ahead?

12 A. And at that time, I believe the  
13 meter was changed. They had changed the meter  
14 to an automated meter reading, and that's when I  
15 noticed my bills becoming higher.

16 Q. Go ahead.

17 A. So I called and they explained that  
18 it was changed, and that's what the meter reads,  
19 so I'm saying, well, it's something wrong here,  
20 I just didn't understand it, so I called several  
21 times and they just told me that's just the way  
22 it is, you need to monitor it. If you have so  
23 many air conditioners and maybe that's why your  
24 bill is so higher than what it is, but nothing  
25 had changed, but that's basically what I was

4  
1 getting when I did call to complain about my  
2 bill.

3 Q. Let's go back to the letter, you  
4 got a letter in July of '03?

5 A. Right.

6 Q. What did you do then, you said you  
7 called PECO and you spoke with someone, what was  
8 the result of that conversation?

9 A. That's when the argument was about  
10 the meter tampering, because even in the letter  
11 the technician found, the meter had been  
12 tampered with, and I absolutely denied it, I  
13 didn't know anything about that, and that what  
14 they are saying they found. From that point, I  
15 had a problem, so I called the PUC and I told  
16 them what was going on, the PUC said that they  
17 would investigate it. It was months later until  
18 I heard from the PUC, maybe a year, I'm not  
19 sure.

20 Q. And what ...

21 A. And the PUC said based on their  
22 findings -- it sounds like they pretty much  
23 agreed with the Electric Company. Based on  
24 their findings that the meter was tampered with  
25 and sobeit.

4  
1 Q. Was that Bureau of Consumer  
2 Services?

3 A. Yes, sir, that was the Bureau of  
4 Consumer Services.

5 Q. And they rendered what they call  
6 an Informal Decision?

7 A. Yes.

8 Q. And that was rendered approximately  
9 when, in September of '03? In August of '04?

10 A. Yes, I believe that's when it was.

11 Q. And that decision was -- do you  
12 recall what that was?

13 A. Well, I didn't speak to anyone from  
14 the PUC, it was just the letter here, which I  
15 have. Based on these findings, the Bureau of  
16 Consumer conclude that the meter tampering was  
17 discovered and existed at the rate payer's  
18 property.

19 Q. And the balance at that times was?

20 A. The balance at that time was five  
21 thousand, eight hundred and sixteen dollars.

22 Q. What kind of work do you do?

23 A. I work for the Sherriff's Office.

24 Q. In Philadelphia?

25 A. Yes, sir.

4  
1 Q. What is your title?

2 A. Deputy Lieutenant.

3 Q. Deputy what?

4 A. Lieutenant.

5 Q. What about the meter -- you were  
6 not accused of doing any tampering, were you?

7 A. I'll assume I'm accused of it,  
8 because they are telling us we owe it. They  
9 said the meter was tampered with. Based on the  
10 findings of the Bureau of Consumer Services, it  
11 says, "That the meter tampering was discovered  
12 and existed at the rate payer's property."

13 Q. What's the second finding?

14 A. Well, it says, "The company did not  
15 accuse the rate payer with meter tampering."

16 Q. And the third finding?

17 A. "That there's no evidence that the  
18 rate payer performed meter tampering. That the  
19 rate payer benefited from the tampered meter."  
20 I understand what they are saying.

21 Q. I just wanted to put that on the  
22 record.

23 A. Right.

24 Q. So in your discussions with PECO,  
25 you have been unable to resolve it?

4  
1 A. PECO insists that that's what we  
2 owe. That's what you owe and you have to pay it  
3 and that's it.

4 Q. Anything else you want to add  
5 before I let counsel cross-examine?

6 A. I have questions to ask. Is this  
7 the time to do that?

8 Q. No, after the witness testifies  
9 then you can ask questions. There are two  
10 witnesses here.

11 A. The other thing that I do have to  
12 ask. After they installed the new meter, they  
13 compared it with the, according to the letter,  
14 from February to April of 2002, they went by the  
15 usage that the family used, and the summer  
16 months from June to August. They used the usage  
17 that we used, and they rated that, and they went  
18 back four years saying, okay, well, this is what  
19 you guys have been using for the past four  
20 years, so we are going to charge you for the  
21 past four years. Now even if that's so, Your  
22 Honor, from 1998 to 2001, it was only three of  
23 us living in there.

24 Q. I was going to ask you that. In  
25 the year 1998, who lived in the house?

5  
1 A. My wife, myself and my son, which  
2 was basically a toddler at the time.

3 Q. Now, what about in 1999?

4 A. 1999 it was just us.

5 Q. The three of you?

6 A. Yes.

7 Q. And In 2000?

8 A. In 2000 my daughter came back from  
9 school, because she had gone to Penn State. She  
10 got pregnant. She came back to live with us.

11 Q. So it was the four of you.

12 A. It was the four of us as of 2000.

13 Q. What about 2001?

14 A. 2001 my sister-in-law moved in with  
15 us with her son.

16 Q. Who was there. Your wife,  
17 yourself, your son, your daughter?

18 A. And my daughter. My sister-in-law  
19 and her son.

20 Q. Did your daughter have the child,  
21 you mentioned she ...

22 A. No, she didn't have the child until  
23 2001.

24 Q. That's what I'm talking about. In  
25 2001 it was yourself ...

- 5
- 1 A. It was basically six of us.
- 2 Q. You said yourself, your wife, your
- 3 son, your daughter, her child.
- 4 A. In 2001. She had the child in
- 5 2001.
- 6 Q. That's what I'm talking about.
- 7 A. 2000 my daughter moved in with us.
- 8 Q. I'm talking about 2001.
- 9 A. Okay. Go ahead.
- 10 Q. Her child, your sister-in-law and
- 11 her son, so you have seven?
- 12 A. Is that seven, I counted six.
- 13 Q. Wife, self, you, your son, your
- 14 daughter, that's four, her child is five ...
- 15 A. That's correct, Your Honor.
- 16 Q. And the other two are seven.
- 17 A. That's correct.
- 18 Q. What about in 2002?
- 19 A. 2002 all of them lived with us.
- 20 Q. So it's the same as 2001?
- 21 A. Yes.
- 22 Q. What about 2003?
- 23 A. 2003 my sister-in-law and her son
- 24 moved out in January of 2004.
- 25 Q. During the year of 2003, who

5  
1 resided ...

2 A. They all were there.

3 Q. The same amount as the prior two  
4 years?

5 A. Yes.

6 Q. Then in 2004?

7 A. As of January 2004, my  
8 sister-in-law and her son moved out.

9 Q. So that left four in the house?

10 A. Correct.

11 Q. Because you first said three, but  
12 it's four.

13 A. Well, actually it would be five in  
14 the house, because it was seven before, so my  
15 sister-in-law and her son moved out in 2004 of  
16 January.

17 Q. So that left ...

18 A. And that was five in the house.

19 Q. Your wife, yourself, your son, your  
20 daughter and the child?

21 A. Correct.

22 Q. Anything else you want to add to  
23 your claim?

24 A. Yes. I don't know if this is the  
25 time, but the question that I had asked when I

5  
1 spoke with, I think it was the person from the  
2 PUC. I asked him, could this meter tampering  
3 been done before I moved into the house, he  
4 didn't know, he says if PECO had gone out there  
5 before I moved out there, maybe they would have  
6 found it then, he wasn't sure, and I'm not sure  
7 either. That's the question I have.

8 Q. You will be able to ask that  
9 question.

10 A. Okay.

11 Q. Do you have any idea here what you  
12 are seeking, what you want in this case?

13 A. Yes.

14 Q. What's that?

15 A. Relief from this five thousand,  
16 eight hundred dollars

17 Q. At least a portion of it you know  
18 you owe?

19 A. Absolutely. Your Honor, I think  
20 the bottom line is the amount of what's fair,  
21 what isn't fair. Even with what I owe, if the  
22 meter was tampered with, which I don't know,  
23 that's what the technician found. He said he  
24 found evidence of meter tampering, I have no  
25 idea, I don't know anything about it.

5  
1 Q. You will hear their testimony.

2 A. If they have proof that it was  
3 tampered with, I guess I would owe a little more  
4 if we actually used more.

5 Q. But you didn't sit down and compute  
6 what you believe you owe?

7 A. No, you don't understand the units  
8 and usage and kilowatts and all that kind of  
9 stuff.

10 JUDGE SMOLEN: Cross-examination,  
11 Ms. Lutz?

12 MS. LUTZ: Your Honor, I have no  
13 questions for Mr. Taylor.

6  
14 JUDGE SMOLEN: Mr. Taylor, you are  
15 now excused. Do you wish your wife to testify  
16 as well?

17 MR. TAYLOR: No.

18 JUDGE SMOLEN: You will have  
19 another opportunity to testify after you hear  
20 their witnesses.

21 MR. TAYLOR: Yes, sir.

22 JUDGE SMOLEN: Do you have want to  
23 call your first witness?

24 MS. LUTZ: Yes I would like to call  
25 to testify Mr. Charvas Walker.

6  
1

- - -

2 Whereupon,

3

CHARVAS WALKER

4 having been duly sworn, testified as follows:

5

6 JUDGE SMOLEN: Please keep your  
7 voice up. Have a seat. State your full name  
8 and business address.

9

10 THE WITNESS: My name is Charvas  
11 Walker.

12

13 JUDGE SMOLEN: Will you spell that  
14 for the reporter.

15

16 THE WITNESS: C-H-A-R-V-A-S and  
17 Walker is the last name.

18

19 JUDGE SMOLEN: And your business  
20 address.

21

22 THE WITNESS: My business address  
23 is 1060 Sweedesford Road in Berwyn, Pennsylvania

24

25 JUDGE SMOLEN: Counsel?

26

27 MS. LUTZ: Thank you, Your Honor.  
28 May I approach the bench with the exhibits?

29

30 JUDGE SMOLEN: Yes. Make sure  
31 Mr. Taylor gets a copy also.

32

33 MS. LUTZ: No problem.  
34 JUDGE SMOLEN: Let the record show  
35 that counsel for the company has handed the

6

1 Administrative Law Judge and the complainant a  
2 series of documents which are marked for  
3 identification as PECO Exhibits 1, 2 and 3  
4 respectively. They are marked for  
5 identification.

6

- - -

7

(Whereupon, the documents were  
8 marked as PECO Exhibit Nos. 1, 2  
9 and 3 for identification.)

10

JUDGE SMOLEN: Go ahead, Ms. Lutz.

11

MS. LUTZ: Thank you, Your Honor.

12

DIRECT EXAMINATION

13

BY MS. LUTZ:

14

Q. Mr. Walker, by whom are you

15

employed?

16

A. PECO Energy Company.

17

Q. And how long have you been employed

18

by PECO Energy?

19

A. For twenty-seven years.

20

Q. And what is your position with PECO

21

Energy?

22

A. I'm a Revenue Protection

23

Technician.

24

Q. And would you please generally

25

describe your duties as a Revenue Protection

6

1 Technician?

2 A. My duties as a Revenue Protection  
3 Technician is to go out to a customer's property  
4 to read, check, and/or change and inspect the  
5 electric meter, as well as checking the voltage  
6 inside the customer's electric meter box, to  
7 make sure they are getting the proper required  
8 voltage to have the service running in there.

9 Q. Thank you. In the course of your  
10 employment with PECO, have you had the  
11 opportunity to visit the property of the  
12 complainant's today, Mr. and Mrs. Taylor, at  
13 4907 Parkside Avenue, Philadelphia, Pa.?

14 A. Yes, I did visit that property.

15 JUDGE SMOLEN: Before your next  
16 question. Mr. Taylor if you would be more  
17 comfortable at the table over here, you can sit  
18 over here. If you want to make notes. It would  
19 be more comfortable over here (indicating).

20 MR. TAYLOR: Thank you.

21 JUDGE SMOLEN: Go ahead.

22 MS. LUTZ: Thank you, Your Honor.

23 BY MS. LUTZ:

24 Q. Mr. Walker, can I refer you to what  
25 has been mark as PECO Exhibit Number 2, would

6

1 you please describe ...

2 JUDGE SMOLEN: Give us a chance to  
3 get to that. Go ahead.

4 BY MS. LUTZ:

5 Q. Mr. Walker, would you please  
6 describe this exhibit, what is this exhibit?

7 A. This exhibit is Corporate Security  
8 Theft Sheet. This the sheet that was required  
9 to be filled out in any case that we find theft  
10 at time of service.

11 Q. Thank you. Mr. Walker, is this  
12 your signature as the person who visited the  
13 property, at the bottom of the page?

14 A. Yes, that is my signature.

15 Q. And would you please confirm the  
16 date that you visited the property?

17 A. Yes, the date was January the 11th,  
18 2002.

19 JUDGE SMOLEN: Does that show on  
20 this exhibit?

21 MS. LUTZ: Yes, Your Honor, I  
22 believe that's under the notation that says,  
23 "date discovered, 1/11/02."

24 JUDGE SMOLEN: Just for purposes of  
25 the record since the photocopy is not clear, the

6

1 categories, the first category that says account  
2 number?

3 THE WITNESS: Yes, Your Honor.

4 JUDGE SMOLEN: And the second  
5 category is what?

6 THE WITNESS: Location.

7 JUDGE SMOLEN: The third category?

8 THE WITNESS: Customer's name.

9 JUDGE SMOLEN: Fourth?

10 THE WITNESS: Type of account.

11 JUDGE SMOLEN: Fifth?

12 THE WITNESS: Meter number.

13 JUDGE SMOLEN: And the next one?

14 THE WITNESS: Date discovered.

15 JUDGE SMOLEN: And now the next  
16 one?

17 THE WITNESS: Reason for discovery.  
18 Stopped meter.

19 JUDGE SMOLEN: Reason for  
20 discovery, and then the next one?

21 THE WITNESS: Date theft began.

22 JUDGE SMOLEN: The next one?

23 THE WITNESS: Date confirmation,  
24 usage history.

25 JUDGE SMOLEN: The next?

6

1 THE WITNESS: Type of tampering.

2 JUDGE SMOLEN: Next one?

3 THE WITNESS: That appears to be  
4 identity of fixer.

5 JUDGE SMOLEN: Next one?

6 THE WITNESS: Determined loss.

7 JUDGE SMOLEN: Keep reading going  
8 down.

9 THE WITNESS: Amount recovered,  
10 adjusted revenue, twelve months forward.  
11 Collateral accounts, location, customer name.  
12 It looks like confirmation strategy,  
13 prosecution, meter disposition, meter test, and  
14 it looks like assigned investigators' security.

15 JUDGE SMOLEN: Now, for the record  
16 they are identified so that whoever reads the  
17 record will be able to understand. Go ahead.  
18 Next question.

19 MS. LUTZ: Thank you, Your Honor.

20 BY MS. LUTZ:

7  
21 Q. Mr. Walker, you indicated the date  
22 discovered was January 11th, 2002, could you  
23 tell us, what was the purpose of your visit to  
24 the property at that time?

25 A. Okay, in this particular scenario,

7

1 we were assigned to that property to change out  
2 the electric meter that was at that property; to  
3 change it to the new automated meter that is  
4 going on PECO's entire system.

5 Q. So that was your purpose of your  
6 visit to the property?

7 A. Yes.

8 Q. And when you arrived at the  
9 property, could you tell us what you discovered  
10 and where that's noted here on the report?

11 A. OKay. While I was at the property  
12 or while I was at the meter, I should say, I did  
13 find that the meter box was unsealed, and what  
14 happened, in the area indicated, the date the  
15 theft began, there's a bunch of checkoffs after  
16 that reading, and the first checkoff says,  
17 "Heavy duty sealing ring." So I start off with  
18 my checkoff there. There was no ring on the  
19 meter at that time.

20 JUDGE SMOLEN: You say the ring was  
21 not there?

22 THE WITNESS: Was not there, yes,  
23 and the next item says, barrel lock, that's a  
24 locking device that's usually on the meter box  
25 also.

7

1 JUDGE SMOLEN: What did you call  
2 it, a what?

3 THE WITNESS: Barrel lock.

4 JUDGE SMOLEN: I hear lock, but I  
5 can't get the first word.

6 THE WITNESS: Barell.

7 JUDGE SMOLEN: B-A-R-R-E-L?

8 THE WITNESS: Barrel, yes, sir.

9 JUDGE SMOLEN: Barrel lock was  
10 missing?

11 THE WITNESS: Yes.

12 JUDGE SMOLEN: So that's the second  
13 thing you found, that the ring was not there and  
14 no barrel lock.

15 THE WITNESS: Yes. I should back  
16 up just a a hair here. the first item is a  
17 standard ring that is on the meter, so the  
18 standard ring or a barrel lock should be on that  
19 meter box.

20 JUDGE SMOLEN: So both were  
21 missing, the standard ring and the barrel lock  
22 were missing?

23 THE WITNESS: Yes, Your Honor

24 JUDGE SMOLEN: Go ahead.

25 THE WITNESS: The next slot to be

7

1 marked is whether there was a seal on the meter  
2 box, and I did not find a seal.

3 JUDGE SMOLEN: No seal.

4 THE WITNESS: no seal.

5 JUDGE SMOLEN: Go ahead.

6 THE WITNESS: Then I went down to  
7 the identity of fixer area, well, I should say  
8 the type of tampering that I found. I went to  
9 that area, checked off jumpers, because I did  
10 see jumpers inside the meter box, or hard wires  
11 inside the meter box.

12 JUDGE SMOLEN: Now, I want you to  
13 explain for the record, what you mean by a  
14 jumper and how that was attached, what do you  
15 mean by that?

16 THE WITNESS: If you take the meter  
17 outside of the meter, if you could picture the  
18 letter H, at the top of the letter would be your  
19 service jaws, that brings the power into the  
20 meter box, at the bottom of that H would be  
21 what's called your low lines and your lower  
22 jaws, and that takes the power into your  
23 property, so in this particular situation, there  
24 were wires on each side of the Hs.

25 JUDGE SMOLEN: Coming in and going

7

1 out?

2 THE WITNESS: Yes, coming in.

3 JUDGE SMOLEN: From PECO's lines?

4 THE WITNESS: From PECO's line to  
5 the customer's load lines.

6 JUDGE SMOLEN: And from the  
7 customer's load lines out there were jumpers?

8 THE WITNESS: Well, what happens  
9 they are attached, if you picture the letter H,  
10 the top of the H and the bottom H, they are  
11 jumper lines attached to those areas.

12 JUDGE SMOLEN: To all four ends or  
13 just two ends?

14 THE WITNESS: I'm sorry, I should  
15 say to all four ends. Two up top to the two  
16 down there.

17 JUDGE SMOLEN: So the top and the  
18 bottom of this H that you described had jumpers  
19 on them. Now what's a jumper?

20 THE WITNESS: Well, in this  
21 particular situation they are called wire  
22 jumpers, because in fact, they are wires.

23 JUDGE SMOLEN: Are they clamped on  
24 or spliced on?

25 THE WITNESS: Well, what happens is

7  
1 the top where the service is, there are service  
2 jaws, and they have screws that press a piece of  
3 steel (ph) to the wires to hold them in place so  
4 the power can come in and secure them, so the  
5 jumper wires would be attached inside in between  
6 the screw with the handle on it, so to speak.

7 JUDGE SMOLEN: Like in a plug?

8 THE WITNESS: Yes, you can say  
9 that, as a plug.

10 JUDGE SMOLEN: Where you wind it  
11 around the screw and tighten the screws to hold  
12 the wire in?

13 THE WITNESS: Yes. What happened  
14 is, the jumper wires were inside laying up  
15 against the wires coming in compressing those  
16 and giving power to go through the lines on the  
17 outside, therefore diverting them.

18 JUDGE SMOLEN: That's at the top  
19 and the bottom?

20 THE WITNESS: Top to the bottom,  
21 yes, they both were inside the jaws.

22 JUDGE SMOLEN: All right, go ahead.

23 BY MS. LUTZ:

24 Q. I believe, Mr. Walker, you were on  
25 the line saying, identity affixer, and where

8

1 address is, you were going to explain what your  
2 findings were there?

3 A. Yes. Let me back up. It's type of  
4 tampered area. As I said, I checked off jumpers  
5 for the first box, and then there's a second  
6 line over to the far right, there's an area for  
7 other information, and in that area, I had put  
8 what I found. The jumpers were hardwired inside  
9 the meter box. Also on the side to the left, I  
10 put on there that the meter box was unsealed,  
11 and I put on there I removed the jumpers, which  
12 I did, to correct the condition and set the  
13 meter properly. Also at that point I sealed the  
14 electric meter box as we are required to do  
15 after we pulled an inspection.

16 JUDGE SMOLEN: So you removed those  
17 jumpers?

18 THE WITNESS: Yes.

19 JUDGE SMOLEN: What did you do?

20 THE WITNESS: I removed those wire  
21 jumpers and screwed the screws, I should say,  
22 back into place, therefore holding all the lines  
23 securely as they should be. Then after that, I  
24 put the meter in the box, and then put a ring  
25 back onto the box and secured it. It's a

1 security ring that we are told to put on every  
2 time we complete a job. It's a security ring,  
3 and we would seal that also with a seal.

4 JUDGE SMOLEN: So when you left,  
5 the meter was repaired, or placed back in its  
6 proper operating condition?

7 THE WITNESS: Yes, Your Honor.

8 JUDGE SMOLEN: With a seal?

9 THE WITNESS: Yes, and a ring.

10 JUDGE SMOLEN: And a ring.

11 Go ahead.

12 BY MS. LUTZ:

13 Q. Mr. Walker, was there evidence at  
14 this property that there was tampering to the  
15 meter?

16 A. Yes, that was a tampered  
17 condititon.

18 Q. You indicated earlier in your  
19 testimony, Mr. Walker, that the purpose of the  
20 visit was to replace the meter and actually put  
21 in an automated meter reading?

22 A. Yes.

23 Q. Did you do then do that on that  
24 visit?

25 A. Yes, I repalced the existing meter

8  
1 with the new automated meter.

2 JUDGE SMOLEN: Let me take a step  
3 back. If you replaced it with an AMR, an  
4 automated meter reader, why was it necessary to  
5 repair the old meter with a seal and ring and  
6 everything else?

7 THE WITNESS: Well, I didn't repair  
8 the old meter. We had to change out the meter  
9 in any case, so the condition I founded is a  
10 hazardous condition and it's a tampering  
11 condition because it's diverting energy, so  
12 naturally, part of my job is to remove that  
13 condition, leave it in the proper condition that  
14 it should be in.

15 JUDGE SMOLEN: So you left the old  
16 meter there?

17 THE WITNESS: No, I did replace the  
18 meter, because that's what my initial visit was  
19 to do, and also everybody in the specal (ph)  
20 system was getting that same meter also, so my  
21 visit really basically was to hold an  
22 inspection, take a reading from the meter I  
23 found, make sure everything was safe, make sure  
24 that the customer was getting the proper voltage  
25 as they should have at that property, putting in

8  
1 that new meter, securing it and leaving a seal.

2 JUDGE SMOLEN: I want to take a  
3 step back just so that I get a clear  
4 understanding. When you install a new AMR, what  
5 happens to the existing meter that's in the  
6 home?

7 THE WITNESS: The existing would  
8 have been marked with a form we had at that  
9 particular time.

10 JUDGE SMOLEN: Do you take it out  
11 or do you leave it there?

12 THE WITNESS: Oh no, we take it out  
13 and bring it back ...

14 JUDGE SMOLEN: So again, I want to  
15 get to my question. If you are going to install  
16 an AMR, that is an automated reader, why did you  
17 have to go through the exercise of repairing the  
18 old one?

19 THE WITNESS: What we did with the  
20 old meter as we take it into evidence, we mark  
21 down at that time -- we had an evidence locker  
22 where all the meters that had tampering or theft  
23 involved, they went to a cabinet and were stored  
24 there.

25 JUDGE SMOLEN: But my question is,

8  
1 you testified that when you discovered the  
2 jumpers, you removed the jumpers and you  
3 resealed the meter and did everything that you  
4 had to do, and then you took that resealed meter  
5 out and put it in an AMR?

6 THE WITNESS: No, what happened  
7 was, when I took the meter out in order to put  
8 the new meter in, that's when I could see the  
9 theft that was inside the meter box, so I had to  
10 take that meter back to the office and turn it  
11 in and make a case, whether it be to the old  
12 meter bin because it's just replaced basically,  
13 or to the evidence locker for storage.

14 JUDGE SMOLEN: Go ahead.

15 BY MS. LUTZ:

16 Q. Mr. Walker, if I could back up for  
17 a minute. When you indicated that you went out  
18 and you actually collected the condition, this  
19 is on the box around the meter; is that correct?

20 A. That's correct. That is the guts  
21 that the meter fits into.

9  
22 Q. So you would have been correcting  
23 the area around the meter, but you did in fact  
24 replace the meter, you took the old meter out  
25 and put the new meter in, but you still had a

9  
1 corrected condition around the new meter;  
2 correct?

3 A. That's correct, yes.

4 MS. LUTZ: I have no further  
5 questions for Mr. Walker.

6 JUDGE SMOLEN: Mr. Taylor this is  
7 your opportunity to cross examine this witness  
8 based on his testimony. If you have questions,  
9 go ahead.

10 CROSS-EXAMINATION

11 BY MR. TAYLOR:

12 Q. Have you ever been to that property  
13 prior?

14 A. No, sir, I've never visited the  
15 property, to my knowledge.

16 Q. So you had to remove that meter in  
17 order to see those jumpers?

18 A. Pretty much, yes.

19 Q. Do you have any idea when those  
20 jumpers were installed?

21 A. No, sir.

22 Q. Could they have been there five  
23 years before, ten years before, fifteen years  
24 before?

25 A. Possibly, yes.

9  
1 Q. When you discovered that, did you  
2 have to report that to the supervisor?

3 A. We fill out this form here and that  
4 goes into our office, and if our supervisor sees  
5 it and needs to discuss it with us they do, but  
6 it's normal business that they do.

7 Q. From everything that you are  
8 telling us today, do you have any evidence of  
9 that? That meter that you took from the  
10 property, do you have that meter?

11 A. No, I do not physically have it.

12 Q. Is it anywhere?

13 A. I wouldn't be able to answer that.

14 Q. Did they dispose of it or did you  
15 say you have some kind of evidence room?

16 A. Back during that time, we did have  
17 an evidence room. We are talking approximately  
18 years back, and there's been a lot of  
19 changes ...

20 Q. So you don't know if it's there or  
21 not, it could be disposed right now, I guess,  
22 right, we don't know?

23 A. I have no idea.

24 Q. So when you make that discovery, is  
25 there anyone that checks off, in other words,

9  
1 when you make that discovery, you take it and  
2 you show it to your supervisor, I assume?

3 A. During that time, we had an  
4 evidence room but it just sat there just in case  
5 it needed to be gotten or referred to.

6 Q. What I'm just getting at is when  
7 you do take it, is there anyone that  
8 doublechecks? Basically, when you make the  
9 discovery, you take it back and you say, okay,  
10 look, this is what I saw here on 4907 Parkside  
11 Avenue, this is what I have. Did anyone confirm  
12 this with me or anything like that.

13 A. Confirm it with you?

14 Q. Not with me, I'm talking about  
15 whoever you have to report to, whoever you take  
16 that back to. Is there anyone else that  
17 confirms with you that this meter has been  
18 tampered with?

19 A. Well, basically it's my  
20 responsibility to make sure I make a proper  
21 inspection, make sure my findings are true.  
22 PECO gives me that responsibility to do that and  
23 turn everything in. Now, during that time, we  
24 did have an evidence room, so all the  
25 information with the document that you signed

9  
1 with your findings on it, I should say, all that  
2 sat on top of the meter. Every meter in that  
3 evidence room at that time had a little piece of  
4 paper on it with notations of what was found,  
5 the date and so on and so forth, and that sat  
6 physically with that meter inside the evidence  
7 room for a period of time. I'm not sure how  
8 long, it's been quite some time ago when they  
9 were doing that, so therefore, if it needed to  
10 be referred to, they can go right inside that  
11 evidence room and take that meter out ...

12 Q. But that never happened ...

13 A. What never happened ...

14 Q. When you make ...

15 JUDGE SMOLEN: Remember, we have a  
16 reporter here, she can only take down one voice  
17 at a time, so if you talk over each other, she  
18 can't get it, so let him answer.

19 BY MR. TAYLOR:

20 Q. When you say that you have a  
21 responsibility to make your findings true; is  
22 that what you said?

23 A. To note what I find, to make sure  
24 it's accurate.

25 Q. That's what I'm getting at. You

9  
1 are the only one to make sure it's accurate.  
2 There's no one else to make sure it's accurate?

3 A. Well, I'm the only one visiting the  
4 property at that point in time, and that is our  
5 job. If you are assigned to a property, you  
6 have to inspect it to make sure you put the  
7 proper findings down there, and that is your  
8 responsibility.

9 Q. So no one else actually reviews  
10 your findings?

11 A. They would review them if needed.  
12 Now, back during that time if a question arose  
13 about that particular meter, then they would  
14 contact me, look at the paperwork and also  
15 physically go to that meter and look at that and  
16 see what the report was at that time.

17 Q. So I assume they didn't need to at  
18 that point?

19 A. That's my assumption. I haven't  
20 heard anything until recently.

21 MR. TAYLOR: Thank you, Your Honor.

22 JUDGE SMOLEN: Any redirect?

23 MS. LUTZ: Yes, Your Honor.

24 JUDGE SMOLEN: Go ahead.

25 REDIRECT EXAMINATION

9  
1 BY MS. LUTZ:

2 Q. Mr. Walker, when you removed the  
3 meter, the meter that you found at the property  
4 was placed with the AMR, that meter portion that  
5 you removed and brought back to the company in  
6 the evidence room, that would not show the  
7 tampering, would it?

10  
8 A. In that particular scenario, that  
9 would not show the tampering. I believe what we  
10 did at that time also was, when we found the  
11 jumpers, we taped that on the meter also, so all  
12 that would have been brought back to the  
13 evidence room also. The jumper wires that were  
14 involved, they would have been taped on the  
15 meter also along with that report showing what  
16 we did switch back.

17 Q. But I believe you testified  
18 previously that the condition you corrected was  
19 around the meter and not part of the meter that  
20 you actually removed, so that was a condition  
21 that you had to correct at the property;  
22 correct?

23 A. That absolutely is a condition I  
24 had to correct right on site at that time.

25 MS. LUTZ: Your Honor, No further

10  
1 questions for Mr. Walker.

2 JUDGE SMOLEN: Let me ask  
3 Mr. Taylor, based on redirect, do you have  
4 anything else? Go ahead.

5 MR. TAYLOR: Yes.

6 RECROSS EXAMINATION

7 BY MR. TAYLOR:

8 Q. If you say you found jumpers,  
9 broken seal, a barrel lock missing, standard  
10 ring missing, that stuff you reinstalled?

11 A. Our standard procedure is to secure  
12 the meter with a ring wherever we are addressing  
13 the meter situation, especially an electric  
14 meter.

15 Q. So what evidence do you have that  
16 shows that the meter was tampered with?

17 A. The wires inside the meter box, the  
18 wire jumpers that's diverting energy away from  
19 the meter. Diverting usage coming from that  
20 meter, so you are not getting a true view of  
21 what services are being used through that meter,  
22 because it's diverting usage coming in.

23 Q. So that evidence that you have,  
24 that's what you took back to the evidence room?

25 A. Yes, it would have been the meter

10

1 and it would have been those jumper wires also  
2 along with a report.

3 Q. So it would be the jumper wires  
4 which was the evidence, tampered with the meter?

5 A. Yes.

6 MR. TAYLOR: That's good.

7 Thank you.

8 JUDGE SMOLEN: Anything further?

9 MS. LUTZ: No further questions.

10 JUDGE SMOLEN: The witness is  
11 excused. Thank you very much for appearing and  
12 testifying.

13 (Witness excused.)

14 JUDGE SMOLEN: Do you have another  
15 witness?

16 MS. LUTZ: Yes, I would like to  
17 call Ms. Renee Tarpley.

18

19 Whereupon,

20 RENE TARPLEY,

21 having been duly sworn, testified as follows:

22 JUDGE SMOLEN: Please have a seat,  
23 state your full name and business address.

24 THE WITNESS: Renee Tarpley, 2301  
25 Market Street, Philadelphia, Pennsylvania 19101.

10

1 JUDGE SMOLEN: Counsel?

2 DIRECT EXAMINATION

3 BY MS. LUTZ:

4 Q. Ms. Tarpley, by whom are you  
5 employed?

6 A. PECO Energy.

7 Q. And what position do you have with  
8 PECO Energy?

9 A. I'm a Regulatory Assessor.

10 Q. And how long have you been employed  
11 by PECO Energy?

12 A. Approximately nineteen years.

13 Q. Could you please describe your  
14 duties as Regulatory Assessor?

15 A. I'm responsible for reviewing  
16 informal and formal complaints filed with the  
17 Bureau of Consumer Services.

18 Q. In the course of your employment  
19 with PECO, have you had the opportunity to  
20 review and become familiar with the account of  
21 Mr. and Mrs. Taylor?

22 A. Yes.

23 Q. Do your records indicate that the  
24 account is in the name of both, Mr. and  
25 Mrs. Taylor?

10

1 A. No, the account is actually just in  
2 the name of Pat Stewart Taylor.

3 Q. Can I please refer you to what has  
4 been marked as PECO Exhibit Number One.

5 A. Yes.

6 Q. Could you please describe this  
7 exhibit?

8 A. PECO Exhibit One is the account  
9 statement for Ms. Taylor at 4907 Parkside  
10 Avenue, it covers the billing period from  
11 September 2001 to December 2004.

12 Q. Would you please confirm what  
13 service Ms. Taylor receives at the property?

14 A. Residential electric.

15 Q. And does this customer participate  
16 in the CAP rate program?

17 A. No.

18 Q. Could you please confirm on the  
19 account statement when the meter was actually  
20 changed and when the tampering was found and  
21 corrected?

22 A. According to our records, the meter  
23 was changed, if you look at the first page of  
24 this document near the bottom, on January 11,  
25 2002, we removed the meter, number

10  
1 6-1215866, with an index reading of 11907, and  
2 we installed a meter number, 9G-3745824 and set  
3 this at zero.

4 Q. Ms. Tarpley, would you please  
5 review for us the column, I believe you have a  
6 column for usage and daily average use, what  
7 does that mean?

8 A. The usage is the amount of service  
9 that was rendered within billing periods, and  
10 the daily average use is taking that particular  
11 usage divided by the number of days within the  
12 billing period to get the daily average.

13 JUDGE SMOLEN: The usage is  
14 measured in what unit ...

15 THE WITNESS: Kilowatts.

16 JUDGE SMOLEN: Is that kilowatts or  
17 kilowatt hours?

18 THE WITNESS: Kilowatt hours in  
19 this particular case, yes.

20 JUDGE SMOLEN: And the daily  
21 average use is likewise, kilowatt hours?

22 THE WITNESS: Yes, it is.

23 JUDGE SMOLEN: Go ahead.

24 MS. LUTZ: Thank you, Your Honor.

11  
25 BY MS. LUTZ:

11

1 Q. Ms. Tarpley, under the third column  
2 to the left that indicates, Meter Reading Type,  
3 what does the dash A indicate?

4 A. The meter reading is the reading of  
5 the meter. It could be A or E for actual  
6 reading or estimated reading during that billing  
7 period.

8 Q. Prior to the date that you have  
9 identified as when the tampering was located and  
10 the meter was changed of 1/11/02, would you  
11 please review the columns under the daily  
12 average used, starting with the billing period  
13 of 9/26/01?

14 A. 9/26/01 the daily average use is  
15 12.2, this is found in the fifth column, the  
16 next month was 9.7 then 9.6.

17 JUDGE SMOLEN: And they are  
18 kilowatt hours?

19 THE WITNESS: Kilowatt hours, Your  
20 Honor.

21 JUDGE SMOLEN: Usage per day, daily  
22 average?

23 THE WITNESS: Usage per day, then  
24 10.2 and 10.8.

25 BY MS. LUTZ:

11  
1 Q. And on a bill period of 1/28/02,  
2 what was the daily average use there during that  
3 billing period?

4 A. I'm sorry, on what date?

5 Q. 01/28 02?

6 A. Nothing.

7 Q. And that was after the time that  
8 the meter was changed?

9 A. That's correct, and so the bill was  
10 being delayed because of the change in the  
11 meter.

12 Q. So you reviewed the daily average  
13 use during each monthly billed period, prior to  
14 the meter change; correct?

15 A. That's correct.

16 Q. Now, we will now go to the period  
17 where the meter was changed on January 11th of  
18 2002. For the next entry it looks like there's  
19 two entries for 02/25/02; could you explain why  
20 that would be?

21 A. When you change the meter, what  
22 happens is that that first bill until it gets on  
23 tape for billing, the bill is held to be short  
24 as accurate, and once the reading was verified,  
25 we released the bill, which is the next line

11

1 that you would see at 2/25/02, it's a forty-five  
2 day bill. From the reading it was 147, and it's  
3 from the set date of January 11th, 2002 to the  
4 reading of 2/25/02, it indicated one thousand,  
5 four hundred and seventy-four kilowat hours were  
6 on the meter, and the daily average use is 32.7.

7 Q. So this record indicates that prior  
8 to the meter change, the daily average use was  
9 between nine and twelve per day of the daily  
10 average use; is that correct?

11 A. Yes, prior to the change.

12 Q. Now, we are going to start with the  
13 change and then go to 12/25. You had indicated  
14 it's 32.7?

15 A. Yes.

16 Q. Would you please indicate to us the  
17 daily average use for the next six months?

18 A. March 2002 the daily average use is  
19 30.8, April is on the second page. April 2002  
20 was 21.8, May 2002 was 27.6, June 2002 was 35.6  
21 and July 2002 was 59.3.

22 Q. Would those findings be consistent  
23 with the lower usage that there may have not  
24 been the proper usage prior to the meter change?

25 A. That's what it indicates to me,

11 1 that the full service was not being registered.

2 Q. And after that time, if you could  
3 just continue on with that statement with the  
4 daily average use. I believe you stopped at  
5 726.02?

6 A. That's correct.

7 Q. Could you just read the rest on  
8 that page of the daily use.

9 A. August 2002, 64.5, September 2002,  
10 39.9, October 2002, 29.3, November 2002, 31.5  
11 December 2002, 31.4, January 2003, 32.4,  
12 February 2003, 31.7, March 2003, 26.3.

13 Q. And the statement going to Page 3  
14 of four depicts similar daily average use. On  
15 Page 3 of 4, there's a notation on the bill  
16 period, 8/26/03. Under the payment, would you  
17 explain what is indicated in that payment box?

18 A. In August 2003, the customer's bill  
19 reflected the rebilling from March 27th, 1998 to  
20 January 11th, 2002, in the amount of five  
21 thousand, four hundred eleven dollars and thirty  
22 cents, that was posted to the account August  
23 25th, 2003, and also it indicates that a payment  
24 was received in the amount of two hundred and  
25 three dollars and thirty-two cents August 13th,

12  
1 2003.

2 Q. Would you explain to us, Ms.  
3 Tarpley, how is that rebilling calculated?

4 A. In this particular case, because  
5 there were conditions found at the property, we  
6 set the meter, we were trying to get the  
7 daily-average seasonal use before we rebilled  
8 the customer for the allotted four years. They  
9 used the winter period and they rebilled the  
10 customer for the winter period going back to  
11 1998, and when we received summary usage based  
12 on the actual usage since we set the meter,  
13 that's when we rebilled the summer periods going  
14 back to 1998 up to January 11th, 2002.

15 JUDGE SMOLEN: This additional  
16 billing of five thousand, four hundred and  
17 eleven dollars and thirty cents, is that the  
18 total billing or is that the difference between  
19 what had been billed and what you estimated  
20 should have been billed.

21 THE WITNESS: That the difference

22 JUDGE SMOLEN: Where did you get  
23 the old figure?

24 THE WITNESS: From our records.

25 JUDGE SMOLEN: And do you have

12

1 those?

2 THE WITNESS: What I do have is the  
3 usage and the actual daily usage that was on the  
4 meter for that billing period in that rebilling  
5 period to show that it was very low.

6 JUDGE SMOLEN: From 327.98?

7 THE WITNESS: That's correct.

8 JUDGE SMOLEN: Do you have that  
9 here?

10 THE WITNESS: Yes.

11 JUDGE SMOLEN: Are you going to use  
12 that as an exhibit?

13 MS. LUTZ: I would like to review  
14 them and submit them as a late filed exhibit.  
15 They are not prepared for today's submission.

16 JUDGE SMOLEN: I understand, that's  
17 why I asked.

18 MS. LUTZ: You don't have that  
19 marked as an exhibit.

20 THE WITNESS: I do have it.

21 MS. LUTZ: We don't have  
22 significant copies.

23 JUDGE SMOLEN: Well, I can make  
24 copies.

25 THE WITNESS: I do have copies.

12  
1 JUDGE SMOLEN: Are they in form for  
2 exhibits?

3 MS. LUTZ: Yes.

4 JUDGE SMOLEN: That's fine. Let's  
5 take a break, let's me have them, I will make  
6 copies.

7 THE WITNESS: You don't need  
8 copies, Your Honor, I have copies.

9 JUDGE SMOLEN: Oh, you have copies,  
10 that's fine, I thought you didn't have copies.

11 (Whereupon, the documwnt was marked  
12 as PECO's Exhibit No. 4 for  
13 identification.)

14 JUDGE SMOLEN: Why don't you tell  
15 us what PECO Exhibit-4 is?

16 THE WITNESS: It's part of my  
17 investigation when a customer files a complaint  
18 and a rebilling such as this, I have to make  
19 sure that the information is correct and that  
20 they are looking at the right things when they  
21 do the rebilling. So I pulled the account  
22 infomation and got the summary of every month,  
23 the usuage and EAU that was for every month, but  
24 then the rebilling period that they were being  
25 charged for, and this is what I have here, it's

1 just showing you the usage that registered since  
2 March 1998, and the number of days in the  
3 billing cycle and daily average use for that  
4 particular billing period.

5 JUDGE SMOLEN: Go ahead.

6 BY MS. LUTZ:

7 Q. Ms. Tarpley, if I can go back to  
8 what's been marked as PECO Exhibit Number 2, you  
9 had explained a rebilling on 3 of 4. Could you  
10 tell us on Page 4, what is the current balance  
11 on the account?

12 A. The current balance is five  
13 thousand, nine hundred and twenty dollars and  
14 sixty-three cents.

15 JUDGE SMOLEN: As of?

16 THE WITNESS: AS of the usage up to  
17 December 28, 2004.

18 BY MS. LUTZ:

19 Q. And Ms. Tarpley, do you have an  
20 average monthly bill amount?

21 A. The average is a hundred and  
22 thirty-six dollars.

23 Q. The average monthly bill amount is  
24 a hundred and thirty-six dollars for the  
25 property?

12  
1 A. That's correct.

2 Q. Is there a calculated budget  
3 monthly amount?

4 A. The budget is a hundred and fifty  
5 dollars.

6 Q. Is the customer on a budgeted  
7 monthly billing?

8 A. No.

9 JUDGE SMOLEN: You said the average  
10 is 136?

11 THE WITNESS: The average is 136.

12 JUDGE SMOLEN: And the calculated  
13 budget is 150?

14 THE WITNESS: 150.

15 JUDGE SMOLEN: Why don't you  
16 explain for the record ...

17 THE WITNESS: The average is just  
18 looking at a whole years of usage and dividing  
19 the by twelve, we calculated a budget, because  
20 some customers like a preset figure each and  
21 every month. It's taking that same twelve  
22 monthly usage and dividing it by eleven. Every  
23 four months your budget would be reviewed to  
24 keep align with your usage, because in the  
25 twelve months of your budget plan, you are

12  
1 expected to pay the difference between the  
2 actual revenue bill and the budget amount. It  
3 should come out rather even, since we are  
4 looking at every four months to make sure that  
5 your budget is adjusted accordingly.

13  
6 JUDGE SMOLEN: So just to repeat a  
7 little slower, the calculated budget is a year's  
8 bill divided by eleven ...

9 THE WITNESS: That's correct.

10 JUDGE SMOLEN: So that becomes a  
11 fixed amount each month, and then on the 12th  
12 month it might be a catch up bill, either  
13 greater or smaller than the calculated budget,  
14 depending on usage for the year.

15 THE WITNESS: That's correct.

16 JUDGE SMOLEN: But your calculated  
17 budget may change every four month when you  
18 review usage?

19 THE WITNESS: Right, to keep the  
20 customer aligned with their actual usage.

21 JUDGE SMOLEN: Okay. Go ahead.

22 BY MR. LUTZ:

23 Q. Ms. Tarpley, going down to, again,  
24 to the account statement balance, can you tell  
25 us when was the last payment made on this

13

1 account by the customer, and in what amount?

2 A. The last payment posted was  
3 december the 14th, 2004 for a hundred and two  
4 dollars and fifty cents.

5 Q. Can I now refer you to what has  
6 been marked as PECO Exhibit Number Three?

7 A. Yes.

8 Q. Can you please describe this.

9 A. This is a copy of the BCS decision,  
10 the Bureau of Consumer Services that was  
11 rendered for the case at 1482857, regarding this  
12 issue, and based on the finding, it was  
13 determined that we did find tampering at the  
14 property, and the rebilling was correct, and the  
15 customer is responsible for the bill.

16 BY MS. LUTZ:

17 Q. Thank you. Ms. Tarpley what is  
18 PECO's final position, with respect to this  
19 account?

20 A. Well, the Company is willing to  
21 make payment arrangements with the customer, but  
22 because the customer decided that they wanted to  
23 take this step and everything, we have to just  
24 wait until a decision is rendered.

25 JUDGE SMOLEN: Let us assume, just

13  
1 for the sake of this hearing, that somehow it's  
2 resolved, what would PECO's position be on  
3 payment arrangements, if you have one?

4 THE WITNESS: Well, in this case,  
5 for any back billing, we would take it for the  
6 length of the accrual of the back billing. In  
7 this case, we would say four years. We would  
8 offer a payment arragmenet for four years on  
9 that 5,411.30 at a hundred and twelve dollars  
10 per month plus the current charge or budget  
11 billing.

12 JUDGE SMOLEN: Again, I'm not  
13 trying to pin you down to anything ...

14 THE WITNESS: That's okay, Your  
15 Honor.

16 JUDGE SMOLEN: I just want to get  
17 an understanding. Assume just for the sake of  
18 discussion that there is some kind of an  
19 amicable resolution, I don't know whether that  
20 can be, probably not, PECO is looking for  
21 current bills or budget bills plus 112?

22 THE WITNESS: Right.

23 JUDGE SMOLEN: And the 112 is your  
24 calculation of forty-eight months to pay out  
25 this 5,411.30.

13

1 THE WITNESS: That's correct, Your  
2 Honor.

3 JUDGE SMOLEN: Anything else?

4 MS. LUTZ: I have no further  
5 questions for Ms. Tarpley.

6 JUDGE SMOLEN: Mr. Taylor, you have  
7 an opportunity now.

8 CROSS-EXAMINATION

9 BY MR. TAYLOR:

10 Q. First, do you have a daily balance  
11 as of now, not a daily balance, a daily average  
12 usage?

13 A. If you refer to the last page of  
14 this document for the reading up to December  
15 28th 2004, your recent daily average use says  
16 30.1.

17 JUDGE SMOLEN: That's Page 4 ...

18 THE WITNESS: That's page 4 ...

19 JUDGE SMOLEN: ... of exhibit?

20 THE WITNESS: ... of Exhibit-1.

21 BY MR. TAYLOR:

22 Q. Now, Since you have gone back to  
23 1998, would it be fair to say that the bill is  
24 inflated, considering that from 2000 to 2004 of  
25 last year, that it was more people living inside

13  
1 the house, we could have been using more  
2 electric?

3 A. You are saying the rebilling is  
4 inflated?

5 Q. The bill itself is inflated.

6 JUDGE SMOLEN: Do you do mean  
7 higher?

8 MR. TAYLOR: Higher.

9 THE WITNESS: Since the discovery,  
10 that's correct.

11 BY MR. TAYLOR:

12 Q. guys took some kind of survey, and  
13 for two months of 2002 in the springtime or in  
14 the winter months, you took sixty days of those  
15 months and then you took sixty days of the  
16 summer months and you averaged it out, you said,  
17 okay, this is what they must have been using in  
18 the past four years; right?

19 A. Right.

20 Q. Now, if there were more people,  
21 let's say if there were seven people living in  
22 the hosue at that time, because you only took  
23 sixty days out of each month?

24 A. Out of the season, right.

25 Q. And decided that this is what we

14

1 should be paying, we should have paid; right?

2 A. Right.

3 Q. Do you take into consideration the  
4 amount of people that's living in the property?

5 A. For the rebilling, unless we  
6 actually have that information, that's why we  
7 depend on the usage on the meter to do the  
8 rebilling. If we had that information, I'm  
9 quite sure they would have, but I'm looking at  
10 the information that you provided for 2001, you  
11 had seven people in there.

12 In 2002 for the periods that we did  
13 use, you had seven people in there, so the only  
14 difference in the rebilling -- from my records  
15 in May of 2002 when you inquired about the  
16 increased usage, but you started seeing the  
17 increased usage since the new meter was in there  
18 from the simple appliance analysis they did  
19 obtain from you. On the average it was like  
20 seven hundred and fifty-five kilowatt hours, and  
21 if you look at what was actually registering  
22 during that period, it was not picking up all  
23 your usage, it was much lower.

24 I'm quite sure if they had all that  
25 information as far as the people, but in 2002,

14

1 early 2002, your appliances alone were more than  
2 what was actually registered on the meter during  
3 that period.

4 Q. To your knowledge, before we moved  
5 into the property, to your knowledge, did a  
6 technician go out and check the meter? To your  
7 knowledge, did he check the meter, because it  
8 probably was vacant before we moved into the  
9 property. So before we moved into the  
10 property, is it procedure that PECO technicians  
11 go out to the property and examine the meter?

12 A. No, not to my knowledge.

13 Q. So is there a possibility, like I  
14 was asking the technician, is there a  
15 possibility that that meter was tampered with  
16 long before we moved in there?

17 A. It's a possibility, because it was  
18 discovered behind the meter, so a meter reader  
19 wouldn't see it until someone of this skill set  
20 would actually pull the meter out and find a  
21 situation like that.

22 Q. So it's a possibility that the  
23 owner before us owed you money as well?

24 A. It's a possibility.

25 Q. To your knowledge, it could have

14

1 been fifteen, twenty years that the owner  
2 before us been getting by with, what you call  
3 not paying their correct amount for their  
4 electric?

5 A. That situation is possible.

6 Q. Did PECO go after that owner?

7 A. No.

8 Q. Do you go after that person who  
9 owned the property?

10 A. No.

11 Q. Do they have a part of this five  
12 thousand dollars or more?

13 A. No, sir, because it's based on your  
14 usage. The rebilling was based on your pattern  
15 of usage after we put that meter in. I'm saying  
16 that we only took it back to March 1998 as we  
17 are allotted to per the regulation.

18 In looking at your history of usage  
19 just for that time period and looking at what we  
20 found and we adjusted bases on what we got off  
21 of your meter after we found the situation.

22 JUDGE SMOLEN: Let me interrupt  
23 you. Does their back billing that PECO did in  
24 this case, their back billing, cover any period  
25 of time for the prior owner of this property or

14

1 does it only cover the period of time that  
2 Mr. and Mrs. Taylor resided there?

3 THE WITNESS: This only covers the  
4 period of time that Mr. and Mrs. Taylor resided,  
5 because they became the rate payer September  
6 1996, we back billed beginning ...

7 JUDGE SMOLEN: So you didn't back  
8 bill '97 or '96?

9 THE WITNESS: No, we did not.

10 JUDGE SMOLEN: You started with  
11 '98?

12 THE WITNESS: That's correct.

13 JUDGE SMOLEN: So the former owner  
14 is not really involved in this particular case?

15 THE WITNESS: That's correct.

16 BY MR. TAYLOR:

17 Q. And you don't care if the former  
18 owner -- from PECO stance, it doesn't matter.  
19 It doesn't matter if the former owner owed you  
20 thirty thousand dollars.

21 A. We can't address that issue here.

22 Q. As far as the billing is concerned,  
23 from 1998 -- is there a law where you can't go  
24 back four years, is that a law?

25 A. That is a regulation.

14

1 Q. Through the PUC?

2 A. Yes, you can find it in the  
3 regulations.

4 Q. Hey, I didn't know, I was just  
5 asking.

6 MR. TAYLOR: I have nothing  
7 further.

8 JUDGE SMOLEN: Anything on  
9 redirect?

10 MS. LUTZ: No, Your Honor.

11 JUDGE SMOLEN: You have some  
12 exhibits here you want to move on?

13 MS. LUTZ: Yes, Your Honor I would  
14 like to move PECO Exhibits 1 through 4 into the  
15 record.

16 JUDGE SMOLEN: They are received as  
17 evidence in the record.

18 (Whereupon, the documents marked as  
19 PECO Exhibit Nos. 1 through 4 for  
20 identification, were received in  
21 evidence.)

22 JUDGE SMOLEN: Do you have  
23 any witnesses?

24 MS. LUTZ: I have no other  
25 witnesses.

14 1 JUDGE SMOLEN: This witness is  
2 excused.

3 (Witness excused.)

4 JUDGE SMOLEN: Mr. Taylor, you have  
5 an opportunity now, if you want, to testify on  
6 rebuttal, it's called rebuttal. Do you want to  
7 say anything else? You are still under oath,  
8 you can state from where you are, you don't have  
9 to take the witness stand.

15 10 MR. TAYLOR: Your Honor, certainly  
11 I feel that it's unfair to be billed this way  
12 because of meter tampering that I had nothing to  
13 do with. Because if I did have anything to do  
14 with the meter tampering, I wouldn't allow the  
15 technician to come out to change the meter.  
16 It's obvious that I didn't know anything about  
17 it, because I called several times and wondered  
18 why my bill was so high. I understand,  
19 naturally we are going to burn more electric in  
20 the summer months, I understand that. I  
21 understand the bills are going to increase, the  
22 usage is going to increase in the summer months  
23 also, I understand that. The problem that I do  
24 have is that the meter was tampered with and I  
25 don't know why. When we bought the house, we

15

1 did a title search and everything else. We  
2 picked up from where the previous owner left off  
3 at.

4 It's hard to calculate the kilowatt  
5 hours and all that, it's hard to explain. The  
6 average person don't know anything about  
7 kilowatt hours, don't know how it's calculated,  
8 but then they come up with the number, well, we  
9 should owe five thousand, four hundred and  
10 eleven dollars because of what they calculated,  
11 sixty days here, sixty days there, regardless of  
12 how many people we have in the household.

13 I think it's an extraordinary  
14 amount of money to pay. Even though in the  
15 letter it says that they are not accusing us.  
16 Any time you tell me I have to pay it, I take  
17 that as an accusation, and I just don't think  
18 it's fair, and I don't think we should have to  
19 pay that kind of money.

20 JUDGE SMOLEN: Ms. Lutz?

21 MS. LUTZ: Nothing further, Your  
22 Honor.

23 JUDGE SMOLEN: Before we close an  
24 adjourn the hearing in this case -- let's go off  
25 the record for a minute.

15  
1 (Discussion Held Off The Record.)

2 JUDGE SMOLEN: Let the record show  
3 that the Administrative Law Judge suggested that  
4 perhaps the parties would want to discuss this  
5 matter further between themselves with a view  
6 towards some amicable arrangement, it seems that  
7 that's not possible, and so with that, I'm going  
8 to adjourn the hearing and thank the parties for  
9 coming in and presenting their cases in an  
10 intelligent fashion.

11 I will review the evidence and  
12 prepare a written decision, which as I said at  
13 the opening of the hearing, I will serve on the  
14 parties in the same fashion as the notices of  
15 hearing were served. So thank you all for  
16 appearing and testifying. The hearing is  
17 adjourned.

18 (Whereupon, at 2:50 p.m., the  
19 hearing was concluded.)

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C E R T I F I C A T E

I hereby certify, as the stenographic reporter, that the foregoing proceedings were taken stenographically by me, and thereafter reduced to typewriting by me or under my direction; and that this transcript is a true and accurate record to the best of my ability.

COMMONWEALTH REPORTING COMPANY, INC.

BY: Robin M. Sturdivant

(Robin M. Sturdivant)

RECEIVED  
2005 FEB -4 PM 3:00  
SECRETARY'S BUREAU

Account Statement

Customer Name: Donald & Pat Stewart Taylor  
 Address: 4907 Parkside Av  
 Philadelphia Pa 19131-0000

Prepared by: Regulatory Performance  
 Formal PUC  
 Docket #F-01482857

Account Number: 25-18-16-317530

Rates: Residential Electric

Bill Period	DAYS	Meter Reading -Type	USAGE	Dly Avg Use	Peco Bill Amt /Budget + Agmt	Supp Chg	Sales Tax	Amount Reqstd	Due Date	Late Chg	Payment	Date Pymt Recd	Balance	Comments
09/26/01	29	594 - A	356	12.2	31.02	19.43		218.04	10/23/01	1.21			218.04	BM 03
10/26/01	30	885 - A	291	9.7	26.29			145.17	11/19/01	0.84	100.00	10/11/01	145.17	BM 03
11/27/01	32	1194 - A	309	9.6	27.59	16.87		171.57	12/24/01	1.05	35.00	11/28/01	171.57	BM 03
						*15.89								*Delayed charges for bill from 09/26/01 to 10/26/01
12/27/01	30	1501 - A	307	10.2	27.45	16.75		166.54	01/24/02	0.77	50.00	12/28/01	166.54	BM 03
01/28/02	32	11807 - A	0	0.0				168.06	02/20/02	1.52			168.06	Bill delayed questionable reading BM 03
01/11/02	15	11807 - A	163	10.8	14.25			182.31	02/25/02				182.31	Delayed bill issued BM 81
01/11/02 - Meter Change: Removed Meter #6-1215866; index 11807. Installed Meter #9G-3745824; index 0000000														
02/25/02	45	1474 - A	0	0.0				184.38	03/20/02	2.07			184.38	Bill delayed questionable reading BM 04
02/25/02	45	1474 - A	1474	32.7	112.78			297.16	03/25/02				297.16	Delayed bill issued BM 81
03/27/02	30	2399 - A	925	30.8	70.37	52.80		474.20	04/23/02	1.80	40.00	03/19/02	474.20	BM 03

FILED 07 20 05

PECO Exhibit #1

PECO-1, F-01482857, 1-12-05, Phila., P.S.

Account Statement  
 Customer Name: Donald & Pat Stewart Taylor  
 Address: 4907 Parkside Av Philadelphia Pa 19131-0000  
 Account Number: 25-18-16-317530  
 Rates: Residential Electric  
 Prepared by: Regulatory Performance  
 Formal PUC  
 Docket #F-01482857

Bill Period	DAYS	Meter Reading -Type	USAGE	Dly Avg Use	Peco Bill Amt /Budget + Agmt	Supp Chg	Sales Tax	Amount Reqstd	Due Date	Late Chg	Payment	Date Pymt Rec'd	Balance	Comments
						*92.07								
04/26/02	30	3054 - A	655	21.8	51.33	37.38		515.52	05/28/02	2.61	50.00	04/15/02	515.52	*Delayed charges for bill from 12/27/01 to 02/25/02 BM 04
05/28/02	32	3940 - A	886	27.6	67.62	50.59		472.00	06/24/02	3.27	165.00	05/14/02	472.00	BM 04
06/26/02	29	4975 - A	1035	35.6	84.14	62.74		354.99	07/22/02	1.11	265.00	06/19/02	354.99	BM 03
07/26/02	30	6756 - A	1781	59.3	145.14	110.41		424.63	08/21/02	2.09	188.00	07/18/02	424.63	BM 03
08/27/02	32	8821 - A	2065	64.5	168.67	128.55		622.71	09/23/02	0.86	100.00	08/15/02	622.71	BM 03
09/25/02	29	9979 - A	1158	39.9	94.37	70.60		588.25	10/21/02	1.57	200.00	09/12/02	588.25	BM 03
10/25/02	30	10868 - A	879	29.3	67.25	50.19		511.56	11/20/02	4.87	200.00	10/17/02	511.56	BM 03
11/25/02	31	11837 - A	978	31.5	74.31	55.90		494.82	12/23/02	3.05	150.00	11/19/02	494.82	BM 04
12/27/02	32	12843 - A	1006	31.4	76.22	57.44		482.79	01/23/03	4.31	150.00	12/18/02	482.79	BM 04
01/28/03	32	13881 - A	1038	32.4	78.48	59.27		523.65	02/24/03	3.11	100.00	01/22/03	523.65	BM 04
02/24/03	27	14737 - A	856	31.7	63.85	49.82		338.39	03/24/03	1.07	300.00	02/11/03	338.39	BM 03
03/26/03	30	15525 - A	788	26.2	59.81	45.88		345.62	04/21/03	1.56	100.00	03/13/03	345.62	BM 03

Account Statement  
 Customer Name: Donald & Pat Stewart Taylor  
 Address: 4907 Parkside Av Philadelphia Pa 19131-0000  
 Account Number: 25-18-16-317530  
 Rates: Residential Electric  
 Prepared by: Regulatory Performance  
 Formal PJC  
 Docket #F-01482857

Bill Period	DAYS	Meter Reading -Type	U S A G E	Diy Avg Use	Peco Bill Amt /Budget + Agmt	Supp Chg	Sales Tax	Amount Reqstd	Due Date	Late Chg	Payment	Date Pymt Rec'd	Balance	Comments
04/25/03	30	16333 - A	808	26.9	61.19	47.03		23.16-	05/21/03		350.00 127.00	04/18/03 04/08/03	23.16-	
05/27/03	32	17117 - A	784	24.5	59.53	45.63		82.00	06/23/03				82.00	
06/26/03	30	17990 - A	873	29.1	69.85	53.46		123.31	07/22/03		82.00	06/17/03	123.31	BM 50
07/28/03	32	19412 - A	1422	44.4	114.01	89.31		203.32	08/21/03		123.31	07/16/03	203.32	BM 50
08/26/03	29	21126 - A	1714	59.1	137.48	108.37		5,657.15	09/22/03		*5,411.30- 203.32	08/25/03 08/13/03	5,657.15	*Rebill 3/27/98 to 1/11/02
09/25/03	30	22508 - A	1382	46.0	110.78	86.69		5,608.77	10/21/03		245.85	09/23/03	5,608.77	
10/27/03	32	23618 - A	1110	34.6	82.14	64.60		5,755.51	11/20/03				5,755.51	
11/24/03	28	24477 - A	859	30.6	64.74	49.99		5,723.50	12/22/03		146.74	11/10/03	5,723.50	
12/26/03	32	25628 - A	1151	35.9	84.97	66.98		5,761.46	01/22/04		114.00	12/16/03	5,761.46	
01/27/04	32	26797 - A	1169	36.5	86.22	68.04		5,763.76	02/23/04		151.96	01/12/04	5,763.76	
02/25/04	29	27571 - A	774	26.6	105.89			5,714.65	03/22/04		155.00	02/09/04	5,714.65	
03/26/04	30	28370 - A	799	26.6	109.14			5,717.90	04/20/04		105.89	03/16/04	5,717.90	
04/27/04	32	29129 - A	759	23.7	103.93			5,712.83	05/20/04		109.00	04/12/04	5,712.83	
05/26/04	29	30046 - A	917	31.6	124.50			5,734.33	06/21/04		103.00	05/11/04	5,734.33	
06/25/04	30	31022 - A	976	32.5	140.96			5,750.79	07/20/04		124.50	06/15/04	5,750.79	

Account Statement  
 Customer Name Donald & Pat Stewart Taylor  
 Address 4907 Parkside Av  
 Philadelphia Pa 19131-0000  
 Prepared by Regulatory Performance  
 Formal PUC  
 Docket #F-01482657

Account Number 25-18-16-317530 Rates: Residential Electric

Bill Period	D A Y S	Meter Reading -Type	U S A G E	Dly Avg Use	Peco Bill Amt /Budget + Agmt	Supp Chg	Sales Tax	Amount Reqstd	Due Date	Late Chg	Payment	Date Pymt Rec'd	Balance	Comments
07/27/04	32	32443 - A	1421	44.4	207.06			5,816.91	08/19/04		140.96	07/15/04	5,816.91	
08/26/04	30	33787 - A	1344	44.8	195.64			5,875.59	09/20/04	70.12	207.08	08/10/04	5,875.59	BM 04
09/27/04	32	35139 - A	1352	42.2	196.83			5,876.78	10/20/04		195.64	09/08/04	5,876.78	
10/27/04	30	35884 - A	745	24.8	102.12			5,782.07	11/22/04		196.83	10/18/04	5,782.07	
11/24/04	28	36632 - A	748	26.7	102.50			5,884.57	12/21/04				5,884.57	
12/28/04	34	37657 - A	1025	30.1	138.56			5,920.63	01/24/05		102.50	12/14/04	5,920.63	

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

CORPORATE SECURITY SERVICE (HET)

Account Number: 25-18-16-317530  
Location: 4907 PARKSIDE AVE Phila PA  
Customer Name: PAT STEWART FAYLOR Phone No: 215-473-8055  
Type of Account: Electric  Commercial   
Meter Number: HAS G-1215866 now 96-3745824  
Date Discovered: 1-11-02

Reason for Discovery: Stopped Meter  Meter Malfunction  Other   
Date Meter Began:  Yes  No  Meter Lock Yes  No  Seal Yes  No   
Date Confirmation: Usage History  Customer Admission  Informant  Company Records  Other

Type of Tamper: Jumpers  Bush  Smashed Meter  Manual By Paid   
Potential Latch:  Internal  External  Other:  JUMPERS HARD WIRE INSIDE METER BOX HAS METER BOX, REMOVED JUMPERS  
Identity of Filer: Name  Address  DOB  SSN

Determined Loss:   
Amount Recovered:   
Adjusted Revenue (12 months forward):   
Collateral Accounts (Location Customer Name):  Date   
Confirmation Strategy: Yes  No

Prosecution: Yes  No  GUILTY  Not Guilty  Judge  County   
Meter Deposition:  Photos: Yes  No

Meter Test: Yes  No  Date  Result   
Assigned Investigator: Facility  Revenue Protection: C. Wick  HARRIS

12842 PECO Exhibit #2

DEC0-2, F-01482857, 1-12-05, Ph. Pa., R.S

Date 9/17/04

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

Case Number: 1482857  
Customer Name: PAT STEWART-TAYLOR  
Address: 4907 PARKSIDE AVE  
PHILADELPHIA PA 19131-0

Opened On: 9/9/03  
Utility Type: Electric Distributor  
Account Number: 251816317530  
Company Name: PECO Energy

Prior Case: Total Balance: \$5,816.91 Balance Date:  
Compliance Violation(Alleged, Actual, No): NO Chap 58/64/Other: Section/Rule:  
Decision Issued: Y Oral Written: W  
Investigator: BASSI, FELIX PUC Decision issued Dt: PUC Case Closed Dt: 8/4/04  
Decision Recvd Dt: 8/4/04 02:25PM

Letter Description:

To Restore Service Pay: \$0.00 To Continue Service Pay: \$0.00 By:  
Terms:  
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: \$0.00  
End Of Month Payment: \$0.00

Par Description:

FEB 07 2005

Resolution:

BASED ON THESE FINDINGS, THE BUREAU OF CONSUMER SERVICES CONCLUDES: (1) THAT METER TAMPERING WAS DISCOVERED AND EXISTED AT THE RATEPAYER'S PROPERTY (2) THAT THE COMPANY DID NOT ACCUSE THE RATEPAYER OF METER TAMPERING (3) THAT THERE IS NO EVIDENCE THAT THE RATEPAYER ORDERED OR PERFORMED THE METER TAMPERING (4) THAT THE RATEPAYER BENEFITED FROM THE TAMPERED METER (5) THAT THE USAGE FROM 3/27/98 TO 8/26/03 SHOWS SIGNIFICANT INCREASES IN USAGE. THIS WOULD BE EXPECTED IF A METER WAS RUNNING 50% SLOW, WHICH THE COMPANY BELIEVES IT WAS RUNNING (6) THAT THE RATEPAYER IS RESPONSIBLE FOR THE REVISED BILLING BECAUSE EVIDENCE OF METER TAMPERING WAS DISCOVERED ON 1/11/02 AND HE BENEFITED FROM THE SERVICE (7) THAT THE COMPANY IS AUTHORIZED TO BACK BILL FOR FOUR YEARS BECAUSE THERE IS NO WAY OF DETERMINING ON WHAT DATE THE METER WAS TAMPERED (8) THAT THE RATEPAYER IS RESPONSIBLE FOR THE BACK BILLING OF \$5,411.30 THE CUSTOMER'S ACCOUNT BALANCE IS \$5,816.91. THE CUSTOMER DECLINED THE OFFER OF A PAYMENT ARRANGEMENT. THEREFORE IT IS DECIDED: (1) THAT THE INFORMAL COMPLAINT OF PAT STEWART-TAYLOR IS DISMISSED (2) THAT THE RATEPAYER IS RESPONSIBLE FOR THE REVISED BILLING OF \$5,411.30 RESULTING FROM THE TAMPERED METER (3) THAT THE RATEPAYER IS RESPONSIBLE FOR THE TOTAL ACCOUNT BALANCE OF \$5,816.91

PECO Exhibit #3

PECO-3, F-01482857, 1-12-05, Phila., P.S.

Pat Stewart Taylor #25-18-16-317530			
*Meter #8-1215866			
Reading Date	Usage (kwhs )	# Days	Daily Avg Use (DAU)
3/27/1998	272	29	9.3
4/28/1998	225	32	7.0
5/27/1998	191	29	6.5
6/25/1998	251	29	8.6
7/27/1998	397	32	12.4
8/25/1998	340	29	11.7
9/25/1998	366	31	11.8
10/27/1998	257	32	8.0
11/25/1998	209	29	7.2
12/29/1998	207	34	6.0
1/28/1999	249	30	8.3
2/28/1999	215	29	7.4
3/28/1999	369	28	13.1
4/27/1999	308	32	9.6
5/28/1999	232	29	8.0
6/25/1999	285	30	8.8
7/27/1999	543	32	16.9
8/28/1999	481	30	16.0
9/27/1999	375	32	11.7
10/27/1999	269	30	8.9
11/23/1999	290	27	10.7
12/23/1999	375	30	12.5
1/27/2000	437	35	12.4
2/25/2000	253	29	8.7
3/28/2000	280	32	8.7
4/27/2000	319	30	10.6
5/25/2000	299	28	10.6
6/26/2000	382	32	11.9
7/26/2000	414	30	13.8
8/26/2000	398	31	12.8
9/26/2000	400	31	12.9
10/26/2000	239	30	7.9
11/28/2000	265	33	8.0
12/27/2000	237	29	8.1
1/26/2001	230	30	7.6
2/27/2001	222	32	6.9
3/28/2001	190	29	6.5
4/27/2001	298	30	9.9
5/25/2001	258	28	9.2
6/26/2001	313	32	9.7
7/27/2001	439	31	14.1
8/28/2001	501	32	15.6

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FEB 07 2005

DECO-4, F-01482857, 1-12-05, Phila., R.S.

Pat Stewart Taylor #25-18-16-317530			
*Meter #6-1215866			
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8/28/2001	501	32	15.6

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