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COMMONWEALTH OF PENNSYLVANIA
PUBLIC UTILITY COMMISSION

- - -

JOSEPH GREENLEAF) Docket No. C-2022-3032822
)
vs.) Piatt Place, Judge's Chambers
) 301 Fifth Avenue
) 2nd Floor
PENNSYLVANIA ELECTRIC COMPANY) Pittsburgh, PA 15222

Wednesday September 28, 2022
Commencing at 9:59 a.m.

- - -

Initial Call-In Telephonic Hearing
Before Mark Hoyer, Administrative Law Judge

- - -

Appearances (via telephone):

For the Complainant
(Pro se.)

For Pennsylvania Electric Company:
Margaret Morris, Esquire
Reger Rizzo & Darnall
Cira Centre, 13th Floor
2929 Arch Street
Philadelphia, PA 19104
mmorris@regerlaw.com

Also present (via telephone):

Laurie Parker

Reporter: Eileen Drake-Ober

- - -

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(Discussion off the record.)

(Whereupon, the proceedings commenced
at 9:59 a.m.)

- - -

THE COURT: We can get started. We'll go on the
record. Today's date is Wednesday, September 28th, 2022.
The time is 10:00 a.m. This is the date and time for an
initial telephone hearing on the complaint of
Joseph Greenleaf versus Pennsylvania Electric Company.
The docket number for this proceeding is C-200 -- excuse
me, C-2022-30323 -- or, 822. 3032822.

On the line here today, we have the complainant,
Mr. Joseph Greenleaf.

And, Mr. Greenleaf, will you be representing
yourself here today?

MR. GREENLEAF: Yes, sir.

THE COURT: Okay. And we also have counsel for the
Pennsylvania Electric Company on the line.

Counsel, at this time, could you please introduce
yourself for the record, and also introduce your witness
to the complainant?

MS. MORRIS: Certainly, Your Honor. Good morning.
My name is Margaret A. Morris, M-o-r-r-i-s, with the law
firm Reger, R-e-g-e-r, Rizzo, R-i-z-z-o, Darnall,

1 Company.

2 The witness today is Laurie Parker, L-a-u-r-i-e,
3 P-a-r-k-e-r, and she is an advanced customer services
4 compliance specialist in the Pennsylvania compliance
5 department.

6 THE COURT: Okay. Thank you, Counsel. I did get
7 some proposed hearing exhibits from you last week.

8 Now, before I actually explain the hearing procedure
9 for everyone's benefit and we move forward and take
10 testimony, I thought I would check with the parties to see
11 if they wanted to engage in any settlement discussions
12 prior to the start of the hearing.

13 I'll ask you, Ms. Morris, first, if the company
14 would be willing to engage in any settlement discussions
15 today?

16 MS. MORRIS: Your Honor, the company -- I spoke with
17 Mr. Greenleaf yesterday afternoon, and unfortunately a
18 settlement is just not possible. The amount that he is
19 offering to make to pay monthly doesn't even cover the
20 budget bill, let alone the \$21,000 delinquent account
21 balance, so --

22 THE COURT: Okay.

23 MS. MORRIS: -- the company's position -- I don't
24 believe that --

25 THE COURT: Okay.

1 MS. MORRIS: -- unless Mr. Greenleaf is able to come
2 up with a substantial sum of money as a down payment, but
3 it's my understanding that he is not able to.

4 THE COURT: Okay. Thank you.

5 What we're going to do now is we'll proceed into the
6 hearing, and Mr. Greenleaf and Attorney Morris, I'm going
7 to explain the hearing procedure.

8 As the complainant here today, Mr. Greenleaf, you
9 have the burden of proof. You will be presenting your
10 case first. I will swear you in as a witness, ask you
11 some preliminary questions, and then you can offer your
12 testimony here today. You can explain to me what your
13 complaint is about, and what relief you are seeking from
14 the Commission.

15 Now, after you have testified, Mr. Greenleaf,
16 Attorney Morris, may have some questions for you. If she
17 asks you any questions, you will have an opportunity when
18 she's finished to offer additional testimony. If you
19 offer any additional testimony, Attorney Morris will have
20 a second opportunity to ask you questions.

21 Now, Mr. Greenleaf, after you have presented your
22 case and testified, then I'm going to turn it over to
23 Attorney Morris to present her case on behalf of the
24 Pennsylvania Electric Company. She has indicated she
25 intends to call one witness, Laurie Parker, and the same

1 rules would apply with respect to Witness Parker. She
2 would be sworn in as a witness, Attorney Morris would ask
3 her questions, when Attorney Morris is finished with her
4 questioning, then, Mr. Greenleaf, I'll ask you if you have
5 any questions for Ms. Parker.

6 If you ask her any questions, when you're finished,
7 Attorney Morris will have a second opportunity to ask
8 Ms. Parker some additional questions. If she asks any
9 additional questions at that time, when she's finished,
10 you'll have a second opportunity to question Ms. Parker.

11 Now, after both sides have presented their evidence
12 here today, I am going to allow each side to summarize
13 their position for the record. Attorney Morris will
14 summarize her position first, and then, Mr. Greenleaf, you
15 will have the last word here today.

16 When you're finished summarizing your position, I'm
17 going to explain the post-hearing procedure for the
18 parties; in other words, what comes after today's hearing.

19 So with the explanation of the hearing procedure
20 here today, Mr. Greenleaf, do you have any questions on
21 that procedure?

22 MR. GREENLEAF: No.

23 THE COURT: Okay. And Attorney Morris, questions?

24 MS. MORRIS: No, Your Honor.

25 THE COURT: Okay. Mr. Greenleaf, I'm going to swear

1 you in as a witness first, and then ask you some
2 preliminary questions.

3 (Witness sworn.)

4 THE COURT: Let the record reflect the witness is
5 sworn in.

6 Could you state your name for the record, please?

7 MR. GREENLEAF: Joseph Greenleaf.

8 THE COURT: And your address?

9 MR. GREENLEAF: 2321 Curryville Road, Martinsburg,
10 Pennsylvania, 16662.

11 THE COURT: Thank you. And does your complaint here
12 today concern residential electric utility service
13 provided to that address you just gave?

14 MR. GREENLEAF: It does.

15 THE COURT: Okay. How many people reside in your
16 household?

17 MR. GREENLEAF: Currently eight. Three adult --

18 THE COURT: How many of those -- three adults?

19 MR. GREENLEAF: Yes.

20 THE COURT: And -- and five children?

21 MR. GREENLEAF: Yes.

22 THE COURT: Okay. Thank you for answering those
23 preliminary questions.

24 At this time, just take your time, and explain what
25 relief you are seeking from the Commission, and also what

1 money that I could -- I could write a check for \$750 a
2 month to pay the electric. I cannot do that.

3 I checked -- I got an e-mail from -- from First
4 Energy saying that I owed 378 to avoid a shutoff. That's
5 probably -- I think that's my budget payment. That is
6 probably the max that I could pay at this point. I work
7 in a factory. I get paid piecemeal. I've -- I've gotten
8 better, faster, at the job that I do, but I never see
9 myself bringing home any more than what I'm making right
10 now, which is -- my take-home is anywhere between five to
11 six hundred dollars a week, which would be great if it was
12 just my wife and myself.

13 In any event, I -- I -- they have every right to
14 shut off my service. I don't blame them. I want to pay
15 it. I will pay it somehow, I'll figure out a way to pay
16 what I owe, but it is certainly not -- certainly not their
17 fault. They've done -- they've gone above and beyond what
18 could be expected from any -- any utility company to try
19 to help me, and I've failed, I just have failed, and
20 Ms. Morris asked me yesterday, "What did you do with your
21 tax refund? What did you do with this money," and that's
22 a great question, and in theory, it's fantastic, yes, I
23 should have taken my entire tax refund and put it towards
24 what I owed to Penelec, but unfortunately it never came to
25 that because it always seems something else is owed, kids

1 needed something for school, or somebody needed a
2 tuition -- a portion of tuition for college.

3 My credit, obviously, as you can well assume is not
4 good, so any time we did get money, it got spent. It's
5 not like I'm sitting on a -- on a pile of cash and I just
6 refuse to pay it. It goes, and I -- believe me, I wish I
7 could tell you where it went. I have no idea, to be
8 honest with you.

9 And, again, I don't blame Penelec at all. They have
10 been -- they have been very easy to work with, and it's me
11 that has failed, so the best I can tell you, and this way
12 you don't have to -- to call any more witnesses, and
13 Ms. Morris doesn't need to regurgitate all my faults like
14 she did so -- so fluently yesterday, I -- I get it, I have
15 done a lousy job of -- of trying to keep up with payments
16 and honor payment agreements, I've done nothing of the
17 sort, so to save the time and energy for you guys to -- to
18 put that back out there and embarrass me further, I will
19 tell you that I think I can pay \$378. Other than that, I
20 have nothing, I don't have a solution, and I'm not asking
21 for anything. If 378 is not sufficient, then -- then by
22 all means, you should, and they have every right to cut
23 off the service because I owe them, so that's all I have
24 to say. I don't have any witnesses, and that's the
25 complete and unvarnished truth, and I wish it were

1 different, but it's not.

2 THE COURT: Thank you for your testimony,
3 Mr. Greenleaf. This is Judge Hoyer.

4 And you said your take-home pay is five to six
5 hundred. Are you the only income earner in the household?

6 MR. GREENLEAF: I am. Now, I do have my second
7 daughter, who just turned 21. She moved back in with us
8 recently and just got a job as a teacher's aide. Her
9 income is, net, 500 every two weeks, as Ms. Morris pointed
10 out that she should be contributing, and yes, she's right,
11 but, anyway, yeah, that's the only income that we have.

12 THE COURT: Okay. And you said your net income,
13 your take-home, was five to six hundred a week. What is
14 the gross income?

15 MR. GREENLEAF: I don't have a pay stub in front of
16 me. I'll just tell you that's what I take home every
17 week, anywhere -- it varies, again, good weeks, bad weeks,
18 depending on the amount of work I have. I'm 54-years-old,
19 53-years-old, so sometimes I'm not as fast as the younger
20 people would be, but, anyway, my take-home is between five
21 and six hundred.

22 THE COURT: Okay. Well, thank you for answering
23 those questions of mine.

24 Is there any additional testimony that you wanted to
25 offer, Mr. Greenleaf, before I see if Attorney Morris has

1 questions for you?

2 MR. GREENLEAF: No, sir.

3 THE COURT: Okay. Attorney Morris, do you have any
4 questions for Mr. Greenleaf?

5 MS. MORRIS: Yes, Your Honor. Thank you.

6 CROSS EXAMINATION

7 BY MS. MORRIS:

8 Q Mr. Greenleaf, do you receive -- you receive a
9 pension payment of \$222 a month; correct?

10 A Yes.

11 Q Okay. So that's additional income.

12 You never did answer Judge Hoyer's question in terms
13 of if your net is \$500 -- five to six hundred dollars a week.

14 Would it be appropriate to say your gross is maybe a
15 thousand dollars a week?

16 A No, that's not about now. I don't know what your
17 tax information is. No, it wouldn't be a thousand. I don't
18 know what it would be. Probably somewhere in the range of high
19 700s to low 800s, gross.

20 Q Okay.

21 A Again, I don't have a pay stub in front of me.

22 Q Okay. So your income approximately is \$800 a week,
23 gross, which -- okay, and then your daughter's -- she's getting
24 \$250 a week, net. What is her approximate gross?

25 A I couldn't tell you that. And, again, I -- I don't

1 know. I just know what the take-home is, and, frankly, what
2 does gross matter if the only money you can actually spend is
3 what your net is?

4 THE COURT: This is Judge Hoyer, and the regulations
5 with respect to payment agreements look for information
6 with respect to the gross income. That's why I asked
7 those questions, and that's why Attorney Morris is asking
8 them.

9 MR. GREENLEAF: I understand. I'm sorry.

10 THE COURT: You may continue, Attorney Morris.

11 BY MS. MORRIS:

12 Q That's -- oh, could I have the name of the two other
13 adults who are living in the household, please?

14 A My daughter's name is Emily. My wife's name is Meg.

15 Q And their last names?

16 A Stever, S-t-e-v-e-r.

17 MS. MORRIS: Okay. Your Honor, that's all that I
18 have. Thank you.

19 THE COURT: Mr. Greenleaf, could you spell their
20 last name again, please?

21 MR. GREENLEAF: S -- as in Sam -- t -- as in Tom --
22 e -- v -- as in Victor -- e-r.

23 THE COURT: I have -- we're going to take brief
24 recess for me to take a phone call. Please stay on the
25 line.

1 (Recess taken.)

2 THE COURT: Okay. This is Judge Hoyer. We're back
3 on the record. The time is 10:14.

4 Attorney Morris, do you have any additional
5 questions for Mr. Greenleaf?

6 MS. MORRIS: No, Your Honor.

7 THE COURT: Okay. Thank you.

8 Based upon the questions asked by Ms. Morris,
9 Mr. Greenleaf, do you have any additional testimony to
10 offer at this time before I turn it over to Counsel?

11 MR. GREENLEAF: No, sir.

12 THE COURT: Okay. Thank you.

13 Counsel, you may call your first witness.

14 MS. MORRIS: Yes, Your Honor. Laurie Parker.

15 THE COURT: Let the record reflect the witness is
16 sworn in. Counsel, you may begin.

17 MS. MORRIS: Thank you.

18 - - -

19 LAURIE PARKER

20 called as a witness by the Respondent, having first been duly
21 sworn, was examined and testified as follows:

22 DIRECT EXAMINATION

23 BY MS. MORRIS:

24 Q Please state your business address for the record.

25 A 2800 Pottsville Pike, Reading, Pennsylvania.

1 Q By whom are you employed, and in what capacity?

2 A I'm employed by First Energy Service Company as an
3 advanced customer services compliance specialist in the
4 Pennsylvania compliance department.

5 Q How long have you been employed by the company?

6 A 26 years.

7 Q How long in your current position?

8 A 14 years.

9 Q Please generally describe your duties and
10 responsibilities in your current position.

11 A Sure. I am responsible to review, investigate, and
12 respond to PUC complaints. I also offer testimony at hearings.

13 Q As part of your position, are you familiar with and
14 do you utilize the Public Utility Code, specifically Chapter 14
15 and Section 1501?

16 A Yes.

17 Q And as part of your position, are you familiar with
18 and do you utilize Chapter 56 regulations?

19 A Yes.

20 Q On whose behalf are you testifying?

21 A Penelec.

22 Q Are you authorized to testify on behalf of Penelec
23 in this proceeding?

24 A Yes.

25 Q In the normal course of its business activities,

1 does Penelec create and maintain records with respect to its
2 customers' accounts?

3 A Yes.

4 Q Are you familiar with how the company compiles and
5 maintains its business records?

6 A Yes.

7 Q Is this information kept in the ordinary course of
8 business?

9 A Yes.

10 Q Is the making of the entry a regular practice for
11 employees?

12 A Yes, it is.

13 Q In your position with Penelec, do you have access to
14 and use of the business records we just discussed?

15 A Yes.

16 Q In preparation for this hearing, did you review the
17 company's business records for the electric account of
18 Joseph Greenleaf?

19 A Yes.

20 Q Specifically what business records did you
21 personally review in preparation for this hearing?

22 A I reviewed the customer contacts, statement of
23 account, the payment history, payment arrangement history, BCS
24 decisions, the 2017-2018 formal complaint documents, and
25 collection history.

1 Q Did you create any documents for this hearing?

2 A Yes, I did. Based on business records, I created
3 the payment history, the payment arrangement history, and the
4 collection history.

5 Q Did you review the complaint?

6 A Yes, I did, and I signed the verification.

7 Q You stated you reviewed the contact. I'm handing
8 you what's been marked as Penelec Exhibit 1.

9 Can you please identify that document?

10 A Yes. Exhibit 1 is 17 pages, and it is the
11 customer's contacts, beginning on Page 17 on June 11th, 2018,
12 and follows through to Page 1 to September 15th, 2022.

13 Q Please briefly describe how the contacts record is
14 created.

15 A Sure. The contacts reflect activity on the
16 customer's account. Some of the entries within are
17 automatically generated, such as the monthly calculation of the
18 budget amount or termination notices. Other entries reflect
19 the actual contact with the customer or representative
20 authorized on the account.

21 In that situation, the customer call center
22 representative inputs data during the conversation or
23 immediately following the conversation with that caller.

24 Q Is your testimony and the exhibits you created and
25 are sponsoring consistent with the entries in Exhibit 1?

1 A Yes.

2 Q I would like you to discuss the complainant's
3 account.

4 Please explain for the record what type of service
5 does Penelec provide to the service location.

6 A This is a residential water heat service.

7 Q And when was the account established?

8 A Effective August 26th, 2015.

9 Q Does Penelec have business records that reflect the
10 billing activity for an account?

11 A Yes. It's an account statement, and it reflects in
12 real-time when the company posts billing activity for an
13 account.

14 Q I'm handing you what's been marked as Penelec
15 Exhibit 2.

16 Can you please identify that document?

17 A Yes. Exhibit 2 consists of three pages, and this is
18 the 24-month account statement.

19 Q Please explain the headings across the exhibit from
20 left to right in the gray shaded boxes, beginning with entry
21 date.

22 A Okay. The account statement shoes the entry date of
23 the billing, the meter reading date, the type of consumption
24 which is KWH, kilowatt hours, the meter reading index, the
25 consumption recorded, the number of days in the billing period,

1 the daily kilowatt hour average during the period, estimated or
2 actually obtained meter readings, the Penelec monthly billing
3 amount, supplier charges when applicable, total bill amount,
4 budget billing amount, the due date of the bill, payments that
5 posted, adjustment amounts, adjustment type, and a running
6 account balance.

7 Q What is the time period for this account statement?

8 A Referring to Page 1 of Exhibit 2 begins October 5th,
9 2020, follows through to Page 3, September 7th, 2022.

10 Q Is the account enrolled in budget billing?

11 A Yes.

12 Q And what is budget billing?

13 A Budget billing, or the equal payment plan, is the
14 program that's for residential customers, and it's designed to
15 make their monthly payments consistent throughout the entire
16 year. It levels out the seasonal highs and lows. The budget
17 amount is based on the average of the last 12 months. The
18 budget amount is reviewed quarterly and adjusted accordingly
19 based on the customer's usage at the property. The bill is
20 reconciled annually, and the program is mandatory for customers
21 who have a payment arrangement, whether it be a PUC payment
22 arrangement or a company payment arrangement, and if they're
23 enrolled in PCAP.

24 Q And what's the current budget amount reflected on
25 Exhibit 2?

1 A Referring to Page 3, the current budget amount is
2 \$378.

3 Q Are there adjustments on Exhibit 2 you wish to
4 identify for the record?

5 A Yes.

6 Q What does CAP -- as in Peter -- B -- as in boy --
7 stand for?

8 A That is the PCAP monthly benefit.

9 Q And what does CAP -- as in Peter -- F -- as in
10 Frank -- A stand for?

11 A That is the PCAP debt forgiveness amount.

12 Q And what does LP -- as in Peter -- C -- as in
13 Charles -- stand for?

14 A That is late payment charge.

15 Q And what is the account balance reflected on
16 Exhibit 2?

17 A Referring to Page 3, the account balance is
18 \$21,273.17.

19 Q When is payment due for the monthly bill?

20 A By the due date stated on the bill.

21 Q And what is the amount the customer should pay
22 monthly?

23 A The amount that's stated on the bill.

24 Q And what happens if the payment is not for the full
25 amount or is not received by the due date stated on the bill?

1 A The account is then considered delinquent.

2 Q Does the complainant pay monthly bills in full and
3 on time?

4 A No.

5 Q Has any payment posted since the proposed exhibits
6 were submitted?

7 A No, and I checked the account this morning before
8 the hearing.

9 Q I'm handing you what's been marked as Penelec
10 Exhibit 3. Can you please identify that document?

11 A Yes. Exhibit 3 consists of one page that I created
12 from the business records for the customer's payment history
13 beginning January 9th, 2017.

14 Q And how many payments in 2017?

15 A There were seven good payments.

16 Q And how many payments in 2018?

17 A There were four good payments.

18 Q And how many payments in 2019?

19 A There were five good payments.

20 Q And how many payments in 2020?

21 A There were no payments in 2020.

22 Q How many payments in 2021?

23 A One.

24 Q How many payments in 2022?

25 A There's been no payments in 2022.

1 Q And how many good payments have posted since
2 January 9th, 2017?

3 A There was 17 good payments that posted in the last
4 68-month period.

5 Q Now, you testified about good payments.
6 How many payment were returned for non-sufficient
7 funds since January 9th, 2017?

8 A There were five returned payments totaling
9 \$6,682.86.

10 Q And how many payments have posted in the last
11 24 months?

12 A One.

13 Q Have any assistance payments posted since
14 January 9th, 2017?

15 A No.

16 Q Does the complainant make payments during the winter
17 moratorium period? By that, I mean December 1st through
18 March 31st.

19 A There were only two payments in 2017 during that
20 period, January 2017 and February 22nd, 2017.

21 Q Has the company entered into a payment arrangement,
22 or a PAR, P-A-R, for this account?

23 A Yes.

24 Q And how does the code in Chapter 56 define a PAR?

25 A A customer accepts responsibility for charges, and

1 the company permits a delinquent balance to be paid over time
2 without incurring late payment charges.

3 Q I'm handing you what has been marked as Penelec
4 Exhibit 4.

5 Can you please identify that document?

6 A Yes. Exhibit 4 is the one-page payment arrangement
7 history for the life of the account.

8 Q What were the terms of the first company PAR?

9 A The first company payment arrangement was entered
10 into on January 19th, 2016. The payment arrangement balance
11 was \$1,384.75. The income reported was \$1,851.21. The terms
12 of the arrangement were budget bill, plus \$76, beginning
13 February 29th, 2016.

14 Q Did the first company PAR default?

15 A Yes.

16 Q Why?

17 A Due to non-payment.

18 Q What were the terms of the BCS PAR?

19 A On the BCS Informal Case No. 3459367, that payment
20 arrangement was entered on the account July 18th, 2016. The
21 balance in the arrangement was \$2,398.34. The income reported
22 was \$222. The arrangement terms were for budget bill, plus
23 \$40, beginning August 29th, 2016.

24 Q And was the BCS PAR appealed?

25 A No, so it became a PUC payment arrangement.

1 Q Did the 2016 PUC PAR default?

2 A Yes, but it has since been satisfied.

3 Q What were the terms of the second company PAR?

4 A The second company payment arrangement was entered
5 into to settle a formal complaint that was entered on the
6 account August 8th, 2017. The arrangement -- the balance in
7 the arrangement was \$4,921.33. The income reported was \$721.
8 The arrangement terms were for budget bill, plus \$82, beginning
9 August 31, 2017.

10 Q Did the second company PAR default?

11 A Yes, it did, due to non-payment.

12 Q Please explain the PCAP entry.

13 A Yes. PCAP stands for the Pennsylvania Customer
14 Assistance Program, and is the company's current low income
15 program. The account was enrolled in PCAP July 3rd, 2019. The
16 deferred balance of \$11,956.63 was deferred. The income
17 reported was \$3,628.00. The PCAP terms are budget billing,
18 minus \$92.50 monthly credit, and \$332.13 of potential debt
19 forgiveness.

20 Q And why was the account removed from PCAP?

21 A The complainant called on July 23rd, 2021, which is
22 reflected in the contacts, Exhibit 1, on Page 4, and requested
23 removal, which was effective July 5th, 2021.

24 Q What is the amount of delinquent charges while the
25 account was enrolled in PCAP?

1 A The PCAP delinquent charges are \$4,300.54.

2 Q What were the terms of the third company PAR?

3 A The third company payment arrangement is a COVID
4 payment arrangement consistent with the PUC emergency order.
5 This payment arrangement was entered into on July 23rd, 2021.
6 The balance of the arrangement was \$15,075.68. The income
7 reported was \$849.38. The arrangement terms were for budget
8 billing, plus \$251, beginning August 26th, 2021.

9 Q Did the third company COVID PAR default?

10 A Yes, it did, due to non-payment.

11 Q You testified you reviewed BCS decisions.

12 I'm handing you what's been marked as Penelec
13 Exhibit 5.

14 Can you please identify that document?

15 A Yes. Exhibit 5 is four pages. Pages 1 and 2 are
16 the opening reports. Pages 3 and 4 are the closing reports for
17 the BCS decision of Informal Case No. 3459367.

18 Q Referring you to Page 1, when was the informal
19 opened?

20 A July 15, 2016.

21 Q Referring you to Page 1, what was the reported
22 household size and income?

23 A Two adults eight minors, with a pension of \$222.

24 Q And how did BCS classify the informal?

25 A Referring to Page 1, bottom left, as an on PAR

1 needed.

2 Q Referring you to Page 3, when was the matter closed?

3 A July 18th, 2016.

4 Q And referring you to Page 4, please summarize the
5 BCS ruling.

6 A Yes. The BCS directed a Level 1 payment
7 arrangement, as reflected on Exhibit 4.

8 Q You stated you reviewed documents related to the
9 2017 formal complaint.

10 I'm handing you what's been marked as Penelec
11 Exhibit 6.

12 Can you identify that document?

13 A Yes. Exhibit 6 is four pages. Pages 1 -- I'm
14 sorry, Page 1 is the 2017 settlement letter, with the terms as
15 reflected on Exhibit 4. Page 2 to 4 is the e-filed certificate
16 of satisfaction which closed Docket No. C-2017-2613823.

17 Q You stated you reviewed documents related to the
18 2018 formal complaint.

19 I'm handing you what's been marked as Penelec
20 Exhibit 7.

21 Can you identify that document?

22 A Yes. Exhibit 7 is nine pages. Page 1 is the final
23 order entered on April 29th, 2019, which adopted the initial
24 decision, and closed Docket No. C-2018-3002624. Page 2 through
25 9 is the initial -- initial decision of Special Agent Chiodo,

1 which dismissed the matter for the complainant's failure to
2 appear at the scheduled hearing.

3 Q I'm handing you what's been marked as Penelec
4 Exhibit 8.

5 Can you identify that document?

6 A Yes. Exhibit 8 is four pages. Pages 1 and 2 are
7 the opening reports. Pages 3 and 4 are the closing reports for
8 the BCS decision of Informal Case No. 3830927.

9 Q Referring you to Page 1, when was the informal
10 opened?

11 A April 15th, 2022.

12 Q And what the reported household size and income?

13 A Two adults, seven minors; a wages of \$2,058.33.

14 Q How did BCS classify the informal?

15 A Referring to Page 1, bottom left, as an on PAR
16 needed.

17 Q Referring you to Page 3, when was the matter closed?

18 A May 16th, 2022.

19 Q And referring you to Page 4, please summarize the
20 BCS ruling.

21 A Yeah, the case is dismissed. There are CAP arrears
22 in the balance; also, 1405(d), did not satisfy the prior PUC
23 payment arrangement.

24 Q And what's the amount of the PCAP arrears in the
25 balance?

1 A The PCAP arrears amount is \$4,300.54.

2 Q Has the account been subject to termination as a
3 result of non-payment?

4 A Yes, consistent with Chapters 14 and 56.

5 Q I'm handing you what's been marked as Exhibit 9.
6 Can you identify that document?

7 A Yes. Exhibit 9 is a six-page document that I
8 created from business records of the termination actions and
9 results.

10 Q Please explain why you are sponsoring this exhibit.

11 A The complainant has used the protections of
12 Chapter 56 to prevent the lawful termination of the service.
13 The time line for the period of November 30th, 2015 through
14 August 29th, 2022 reflects the issued ten-day notices due to
15 delinquent charges.

16 The events that prevent a termination, such as
17 payment of the amount on the termination notice, entering into
18 company payment arrangements, informal and formal complaints
19 filed which will stay the termination, the winter moratorium
20 when the company cannot terminate a Level 1 or Level 2
21 customer, and the period during COVID when the Commission
22 prohibited termination.

23 Q I also noticed on the exhibit, it says dispute
24 rights issued.

25 Can you explain what that means?

1 A Yes. The customer calls in and speaks with the
2 company, and they are not satisfied with the results of the
3 call, so we offer them dispute rights which places a stay on
4 the termination.

5 Q And how long is that stay; is that ten days?

6 A That is ten days.

7 Q How many ten-day termination notices have been
8 issued on this account?

9 A There are 33.

10 MS. MORRIS: Your Honor, that is all that I have for
11 the witness, and I would move for the admission of
12 Exhibits 1 through 9 into the record, and I would tender
13 the witness for cross examination.

14 THE COURT: Okay. Thank you, Counsel.

15 Mr. Greenleaf, is there any objection to
16 Respondent's Exhibits 1 through and including 9 becoming a
17 part of the hearing record here today?

18 MR. GREENLEAF: No.

19 THE COURT: Okay. Respondent's Exhibits 1 through
20 and including 9 are hereby admitted into the record.

21 (Thereupon, Respondent's Exhibits Nos. 1 through 9
22 were marked and admitted.)

23 THE COURT: Anything further, Counsel?

24 MS. MORRIS: No, Your Honor.

25 THE COURT: Okay. Mr. Greenleaf, do you have any

1 questions for Ms. Parker?

2 MR. GREENLEAF: No.

3 THE COURT: Okay. Thank you.

4 Ms. Parker, you are excused as a witness.

5 Counsel, are you going to be presenting any
6 additional evidence?

7 MS. MORRIS: No, Your Honor.

8 THE COURT: All right. As I said at the outset,
9 I'll give each side a chance to summarize their position
10 for the record. I do understand each party's position,
11 but I'll still afford that opportunity, and I'll begin
12 with you, Attorney Morris. You may speak when you are
13 ready.

14 MS. MORRIS: Thank you, Your Honor.

15 As Mr. Greenleaf testified, this case is very
16 simple. He's asking for a Commission payment agreement.
17 In his complaint, he said he couldn't pay more than 250 a
18 month, but today he said that he would be able to pay 378
19 a month, which is the budget bill, but does not include
20 any payment towards the delinquent balance.

21 The complainant was removed from PCAP. However,
22 while he was in PCAP, he failed to pay charges totaling
23 \$4,300.54. The Public Utility Code at 1405(c) states that
24 delinquent charges billed while in PCAP cannot be part of
25 a Commission payment agreement.

1 The Commission has stated that it has the authority
2 to establish a PAR for non-PCAP arrears, but the question
3 always is should they for a particular customer.

4 The company's position is based on the record
5 evidence that the Commission should decline a payment
6 agreement for the non-PCAP arrears in the amount of
7 \$16,972.63, based on the complainant's horrendous payment
8 history, failure to keep two company payment agreements,
9 he has not even applied for assistance payments, he's
10 issued -- tendered bad checks totaling \$6,682.86, the
11 balance is in excess of \$21,000, and given his testimony
12 that he can only pay 378 if he were granted a six-month
13 PAR on the non-PCAP charges of \$16,972.63, that monthly
14 payment would be an additional \$282.87. The customer has
15 already testified that he isn't able to make that payment.

16 Even if the Commission were to order and direct a
17 payment agreement for the non-PCAP charges, it must be
18 remembered that the \$4,300.54 will be due and owing and
19 subject to termination.

20 Based on the record evidence, the company
21 respectfully requests that the Commission decline to grant
22 a payment arrangement for non-PCAP arrears, and dismiss
23 the complaint of Joseph Greenleaf. Thank you.

24 THE COURT: Thank you, Counsel.

25 Mr. Greenleaf, do you care to summarize your

1 position here for the record?

2 MR. GREENLEAF: Not necessarily I need to summarize
3 it, but, again, I feel even worse about myself after
4 listening to that diatribe, and I told you guys at the
5 very beginning that was not necessary; I was well aware of
6 what is going on.

7 The only thing I would add is that maybe they should
8 have never let it get this far in arrears. Maybe they
9 should have cut it off a couple years ago when I was only
10 a couple thousand, instead of letting it go to 21,000, but
11 I understand -- I understand their position, as I told you
12 at the beginning. I told you before that they have bent
13 over backwards. I couldn't have been any happier with
14 what the service they have given us, and it's my fault. I
15 fully -- I fully agreed to that. I really didn't need to
16 sit there for 30 minutes and listen to how lousy and
17 horrendous, to use Attorney Morris' language, horrendous
18 my payment history is. I'm well aware. Thank you.

19 THE COURT: Thank you, Mr. Greenleaf. As I
20 indicated at the outset -- Mr. Greenleaf and Counsel, I'm
21 going to explain the post-hearing procedure.

22 After today's hearing, a transcript will be prepared
23 and filed with the Commission secretary's bureau. After
24 the transcript is filed with the secretary's bureau, I
25 will be issuing an order closing the hearing record,

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REPORTER'S CERTIFICATE

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.



Eileen L. Drake-Ober
Notary Public in and for the
Commonwealth of Pennsylvania
My Commission expires: December 6, 2024

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