

COMMONWEALTH OF PENNSYLVANIA
PUBLIC UTILITY COMMISSION

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Frank D. Jergons v. Duquesne Light : Docket No.
Company, Billing dispute/Other. : F-2010-2170457
: :
Initial telephonic hearing :
-----X

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Hearing Room No. 2015
Piatt Place, 301 5th Avenue
Pittsburgh, Pennsylvania

Monday, February 28, 2011

Met, pursuant to notice, at 10:00 a.m.

BEFORE:

KATRINA L. DUNDERDALE, Administrative Law Judge

APPEARANCES:

JOANN JERGONS
FRANK D. JERGONS
Midland Heights Homes
Apartment 56-B
Midland, Pennsylvania 15059
(Pro se)

KRYSIA M. KUBIAK, Esquire
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(For the Respondent)

SECRETARY OF PUBLIC UTILITIES

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P R O C E E D I N G S

1
2 ADMINISTRATIVE LAW JUDGE KATRINA L. DUNDERDALE: Let
3 me inform the parties that we are now on the record. I have
4 a court reporter here in the hearing room with me. My name
5 is Katrina Dunderdale. I'm the administrative law judge who
6 has been given jurisdiction over this matter by the Public
7 Utility Commission.

8 This does concern a complaint that was filed by Mr.
9 Frank Jergons. The docket number for this is
10 F-2010-2170457. Today's date is February 28th, 2011. The
11 time now is approximately 10:00 a.m., and I am calling you
12 from the Commission's Hearing Room No. 2015 in the Piatt
13 Place Building in Pittsburgh, Pennsylvania.

14 Let me indicate for the record who is present on the
15 line. I have Ms. JoAnn Jergons. She is the wife of Mr.
16 Frank Jergons. Mr. Frank Jergons is also present with her
17 on the phone at their residence.

18 Also on the line for Duquesne Light Company is Ms.
19 Krysia Kubiak. Present with her is an attorney who will be
20 in an observing role. That's Ms. Jennifer Allison. Also
21 present are three individuals from Duquesne Light.

22 Those three individuals are Maria Tamilya -- she's a
23 supervisor of regulatory relations -- Mr. Clay Fuller, who
24 is a field service representative; and Ms. Sharon Jackson,
25 who is a billing supervisor.

1 Let me ask if the parties have had an opportunity to
2 talk about this matter before today.

3 MS. KUBIAK: We have, Your Honor. We didn't come to
4 a resolution, although we did-- I don't think a resolution
5 has been ruled out either. We had sent a possible
6 settlement offer to Ms. Jergons and haven't heard back from
7 her yet, but I think she only recently received it.

8 JUDGE DUNDERDALE: Did you actually speak with her?

9 MS. KUBIAK: Jennifer Allison spoke with Ms. Jergons.

10 JUDGE DUNDERDALE: When approximately did that occur?

11 MS. KUBIAK: I think about a week ago. We spoke to
12 them several times, but the last time was about a week ago.

13 JUDGE DUNDERDALE: All right. Then let me ask, would
14 the parties like to have an opportunity now then to kind of
15 talk about that settlement offer when I am not present so
16 that you can talk freely?

17 MS. JERGONS: I don't need that. I just want to
18 resolve the issue with my daughter being paid the amount
19 that she paid that was my electric that was used.

20 JUDGE DUNDERDALE: Let me just stop you for a moment,
21 Ms. Jergons. By your daughter, are you referring to
22 Nannette?

23 MS. JERGONS: Yes. Nannette is my daughter who lives
24 next-door, and she handles-- That's why the checks that you
25 see in front of you that are cancelled are signed by her

1 because she takes care of our affairs.

2 JUDGE DUNDERDALE: Ms. Jergons, Ms. Kubiak knows that
3 the Commission strongly encourages parties to have
4 discussions about settlements, and that's because we've
5 learned that people are a lot less happy when a judge
6 imposes an order upon them than when they actually sit down
7 and see if they can resolve it.

8 I think the question is, if you have not had an
9 opportunity to talk about the settlement offer, would it be
10 helpful to have some time now? Normally the process is that
11 I would leave the room, the court reporter would stay here
12 but would not take down anything that's said, and that's
13 just to give you the opportunity to speak freely and to not
14 worry about whether or not it's putting your case in
15 jeopardy because I won't be here to hear it.

16 So that's my question for you. Do you think that
17 would be helpful at this time if you can speak at least for
18 a few minutes to Ms. Kubiak about the offer?

19 MS. JERGONS: The offer that she proposed to me, my
20 husband and I are both in disagreement with that. So that's
21 why I would rather talk in front of you and discuss this in
22 front of you and the other people so we get a fair judgment.

23 JUDGE DUNDERDALE: Okay. I'm not going to let you
24 talk about the settlement offer. All right?

25 MS. JERGONS: That's fine with me.

1 JUDGE DUNDERDALE: In that case, let's go ahead and
2 get started with the hearing. Let me explain to you the
3 process that I'm going to use today. First I'm going to
4 swear you in, Ms. Jergons, as a witness.

5 I'm going to ask you to tell me what the problem is
6 and what it is that you want the Commission to do for you.
7 If you want your husband to also testify, then he will be
8 given an opportunity after you. After you testify, I will
9 then ask Ms. Kubiak if she has any questions for you on
10 cross-examination.

11 When that is done and when Mr. Jergons has testified,
12 if you want him to, and she has had an opportunity to
13 question him as well, then it will be her opportunity to
14 present Duquesne Light's case to me. She will present her
15 witnesses. I'm assuming she's going to present those three
16 people that I indicated initially were there with her.

17 After she questions each one, then I will turn to you
18 and ask you if you have any questions on cross-examination
19 for that particular witness, and we'll continue that process
20 until finally both sides have presented the people that they
21 want to present for testimony.

22 At any time that you want to submit a document or
23 documents, you'll need to indicate that to me and then we
24 will deal with how they will be admitted into the record.

25 When both parties are done providing me with the

1 testimony from the people that they want to present, then I
2 will ask for a final statement and I'll start first with
3 Duquesne Light and I'll then ask them to give me a final
4 statement and then I'll ask you for a final statement.

5 Any questions about what we're going to do today?

6 MS. JERGONS: I have none.

7 JUDGE DUNDERDALE: In that case, let me go ahead and
8 get started. Ms. Jergons, I had assumed that you were going
9 to testify. Is that correct?

10 MS. JERGONS: Yes.

11 JUDGE DUNDERDALE: I'm sorry. Is that correct?

12 MS. JERGONS: Yes, it is.

13 JUDGE DUNDERDALE: Let me swear you in.

14 Whereupon,

15 JOANN G. JERGONS,
16 having been duly sworn, testified as follows:

17 EXAMINATION

18 BY JUDGE DUNDERDALE:

19 Q. Would you tell us your full name, please.

20 A. JoAnn G. Jergons.

21 Q. And spell your last name, please.

22 A. J-e-r-g-o-n-s.

23 Q. I'm sorry, g-o-n-s?

24 A. Yes, ma'am.

25 Q. You are married to Mr. Frank Jergons?

1 A. Yes.

2 Q. would you give me your address, please?

3 A. Apartment B-56, Midland Heights, Midland, PA
4 15059.

5 Q. This complaint, does it concern at least, in
6 part, your residence, the 56-B, Ms. Jergons?

7 A. Yes.

8 Q. Does the dispute concern the electricity that
9 you receive at 56-B?

10 A. The dispute is when Duquesne Light changed the
11 smart meters outside of our house, they switched it.

12 Q. But did that affect your account as well as
13 maybe somebody else's?

14 A. Yes.

15 Q. And your electricity provider currently, is that
16 still Duquesne Light?

17 A. Yes, it is.

18 Q. Approximately how long have you lived at 56-B?

19 A. My husband has been here a lifetime.

20 Q. That would be approximately how many years?

21 A. He's going to be 70.

22 Q. You've lived there for probably as long as
23 you've been married?

24 A. Forty years, yes.

25 Q. why don't you go ahead and tell me-- Oh, I'm

1 sorry. The other account, what's the address for that other
2 account?

3 A. 56-A Midland Heights, Midland, PA 15059.

4 Q. Do you know the person who resides there?

5 A. Nannette, N-a-n-n-e-t-t-e, capital M. Jergons,
6 J-e-r-g-o-n-s.

7 Q. Is that person related to you?

8 A. She's my daughter.

9 Q. Why don't you go ahead and tell me what the
10 problem is and what you want the Commission to do for you.

11 A. I want to note that Duquesne Light is not out
12 any money whatsoever over this dispute at all. This has
13 been going on since 2008, and they are not out one penny.
14 Duquesne Light is charging late fees, taxes on gross amounts
15 to my bill, 56-B. This is a monthly bill.

16 My daughter, who is at 56-A, has not taken and
17 used any of the credit that they have given to her account
18 for the simple reason she disputes the amount that they are
19 giving her credit of because it doesn't coincide with what I
20 am being charged.

21 I guess the reason for that is that she is on a
22 different supplier, and I can understand that. So that's
23 one of the disputes, one of the wrongs.

24 Act 129 enacted in 2008, smart meters were
25 installed by an electrician from Duquesne Light when 56-A

1 line, which is Nannette Jergons, was twisted with 56-B's
2 line, Frank Jergons, and this is admitted by Duquesne Light.
3 When Nannette noticed when she was paying our bills that her
4 electric bill was higher than ours, she figured something
5 was the matter.

6 Duquesne Light charged her \$29 to check the
7 line. We did not know who the electrician was that came
8 here to check it, and she has not been reimbursed the \$29.
9 I guess that will be rolled in somewhere. I don't know.

10 Duquesne Light will not pay that real amount
11 that she paid for the electric to 56-A. I enclosed
12 cancelled checks from 56-A, Nannette, and 56-B from Frank
13 Jergons that all amounts that were paid were what was due
14 and what each of us used month.

15 I sent copies of her checks as well as mine. My
16 daughter is a disabled veteran, and when we went on on-line
17 to get our cancelled checks we couldn't get the reversed as
18 to when they were cancelled. So we didn't know. They were
19 all sent out on the first of each month. She has a problem
20 with sight. She has MS.

21 I put down that I don't think all these wrongs
22 make it right to charge us, a retired disabled person, to
23 pay for them. This creates a hardship on our fixed income,
24 and I'm asking the Honorable Judge if we could be forgiven
25 for this that Duquesne has made and admittedly has made.

1 That's the end of my statement.

2 Q. You had indicated that there was charges. Can
3 you tell me what the additional charges, not the ones having
4 to do with supposedly the amount of electricity used, but
5 any additional charges, can you tell me what those are?

6 A. The charges that were additional that I noticed
7 on the bills is that Duquesne Light is charging, there's a
8 few late charges in there, which it's only a dollar
9 something or whatever. But they're charging gross taxes on
10 the whole balance, not just what is monthly, what's the
11 monthly paid.

12 Q. At this point in time are you currently doing,
13 like, a budget amount to Duquesne Light on the unpaid
14 balance?

15 A. On the unpaid balance I pay what is due to the
16 cent, and Nannette from 56-A pays what is the due to the
17 cent. That's why I said Duquesne is out no money at all.
18 They still have their money.

19 Q. That's not my question, though. My question
20 goes to every month do you pay on current charges?

21 A. Yes.

22 Q. In addition to the current charges, are you
23 paying something over and above that?

24 A. No, I am not.

25 Q. So you're just paying for what you're using now?

1 A. Exactly.

2 Q. And so you have not paid anything for the amount
3 that they said that you owed when they figured out the whole
4 problem?

5 A. Exactly.

6 Q. Can you tell me what the amount was that they
7 said you owed when they figured it all out and figured out
8 the different lines, what amount did they bill you for for a
9 past due?

10 A. Okay. I believe on Nannette -- that's 56-A --
11 there was a back amount charge of \$956.21.

12 Q. And do you know when that was credited to her
13 account?

14 A. Yes, I do. That was 6/8, 6/24/09.

15 Q. 6/24/09. That was for her account. How about
16 for yours?

17 A. Now, on mine they said I owe in a lump sum,
18 which I don't have to pay in a lump sum, \$568.10.

19 Q. All right. That was something they said you
20 owed. What was the date that they told you you had to pay
21 that the first time?

22 A. I don't know when the first time that was. But
23 this was just brought up to me February 21st, 2011.

24 Q. So before the 21st you didn't know that you owed
25 \$568?

1 A. An exorbitant amount came up on my bill. Let me
2 see if I have the first bill here because I have my
3 daughter's bill here, too. Every time it come up on the
4 bill it was-- See, what they're showing on here is 956.21,
5 and what they're showing on there is that I am using their
6 money and they're subtracting from that on her account and
7 on my account, and that is not true, Your Honor.

8 Q. But my question is, when on your bill did you
9 first see that you were being charged the amount from the
10 56-A apartment?

11 A. All right. With the 6/24 of '09 that I was on
12 here.

13 Q. What was the amount that they said you owed in
14 addition on this back amount?

15 A. It came to-- This is what I don't understand
16 because it comes to \$602. Then it jumps up to \$620. It's
17 not consistent. What I think they're doing is rolling in
18 what I owe monthly off of what the lump sum is.

19 Q. To the best of your knowledge or memory, ever
20 since June of 2009 you've been paying the current charges?

21 A. Exactly. We disputed the amount.

22 Q. To the best of your knowledge, since your
23 daughter got the credit back in June of 2009, has she been
24 paying her current amount as well?

25 A. Yes, ma'am.

1 Q. Does that mean that the amount of money that is
2 owed to her, is it still consistent with the credit amount?

3 A. What they're showing on her bill, she's using it
4 and not paying anything -- I enclosed her cancelled checks
5 to prove -- and not taking a cent from the credit that they
6 are giving her.

7 Q. All right. Is there anything else? Oh, did you
8 want me to look at any documents that you had sent?

9 A. Just the cancelled checks to prove that we both
10 have consistently paid on the first of every month that our
11 bill was paid.

12 MS. KUBIAK: Your Honor, if I may, we did not receive
13 any documents from Ms. Jergons.

14 JUDGE DUNDERDALE: Did you not send these to Duquesne
15 Light?

16 MS. JERGONS: Our fax machine was down, and I could
17 not get-- I had, like, four days to get it to them. I did
18 not get a copy of that to them.

19 JUDGE DUNDERDALE: Because the problem is, Ms.
20 Jergons, I'm not supposed to look at something if you didn't
21 send it over to the other side. That's not considered fair.

22 MS. JERGONS: They sent me a corrected billing.

23 JUDGE DUNDERDALE: Hold on. Do you have a fax
24 machine now?

25 MS. JERGONS: No, I do not. It doesn't work. It's

1 not working.

2 JUDGE DUNDERDALE: Ms. Kubiak, do you have a fax
3 number?

4 MS. KUBIAK: I do.

5 JUDGE DUNDERDALE: If I fax this to you now will you
6 get it?

7 MS. KUBIAK: I will.

8 JUDGE DUNDERDALE: What's your number?

9 MS. KUBIAK: It is (412) 393-1418.

10 JUDGE DUNDERDALE: 393-1418?

11 MS. KUBIAK: Yes.

12 JUDGE DUNDERDALE: We're going to take a brief
13 recess. I'm going to go back and ask my secretary to fax
14 these sheets to you, Ms. Kubiak, and then we can discuss
15 them. We'll continue on with the case when I come back, but
16 we'll deal with these exhibits before we actually finish the
17 hearing. All right?

18 MS. KUBIAK: Thank you, Your Honor.

19 JUDGE DUNDERDALE: In fact, when we go off the
20 record, if the parties want to talk about a possible
21 settlement you'll have the opportunity to do that. I'll
22 make sure you know when I come back into the room.

23 We're currently off the record.

24 MS. KUBIAK: Thank you, Your Honor.

25 (A recess was taken.)

1 JUDGE DUNDERDALE: We're back on the record. Ms.
2 Kubiak, the secretary is going to send those documents to
3 you. So you should have them in a few minutes. If,
4 perhaps, Ms. Allison wants to go and check on it in a few
5 minutes that might be good.

6 MS. KUBIAK: Thank you, Your Honor.

7 JUDGE DUNDERDALE: In the meantime, we're going to
8 move forward.

9 BY JUDGE DUNDERDALE:

10 Q. I think my only remaining question for you, Ms.
11 Jergons, was, is there anything else you want to tell me
12 before I ask Ms. Kubiak if she has any questions?

13 A. Just that this is not our fault. I do not know
14 how the lines were twisted. We don't know. When the
15 inspector came to the house, when Nannette had called to
16 have the lines checked, my husband is on 24/7 oxygen. He
17 pulled the meter without even telling anybody, and my
18 husband was without oxygen for about five minutes.

19 We didn't know he was pulling the meter. Had I
20 not yelled out the window, you know, would you please put
21 that back on because my husband is out of oxygen, there's no
22 oxygen on. That was the only way he knew that our lines
23 were twisted.

24 He said, "Thank you. Okay, ma'am." Put the
25 meter back on. Put the tag back on. I do not know who that

1 gentleman was that did that because he didn't stay around
2 very long.

3 Q. Was that the gentleman who put in the smart
4 meter or the one who fixed it?

5 A. I don't know what the gentleman did. All this
6 gentleman did was come to the house, pull the meter off, and
7 note that my electricity was going to Nannette's and hers
8 was coming to ours.

9 Q. Okay. Anything else?

10 A. I don't feel we have to pay for their mistakes.
11 Don't they have insurance that covers their mistakes or they
12 don't have to pay for their mistakes?

13 Q. Is that it for now?

14 A. For right now that's all I can say at least for
15 being wronged and she's not getting the amount of money that
16 is deserved to her.

17 JUDGE DUNDERDALE: Let me ask Ms. Kubiak if she has
18 any questions for you on cross-examination.

19 MS. KUBIAK: Thank you, Your Honor.

20 CROSS-EXAMINATION

21 BY MS. KUBIAK:

22 Q. Ms. Jergons, you had stated that you were being
23 currently charged late fees. Is that right? Did I
24 understand your testimony correctly?

25 A. Yes. I think there are some late charges on

1 there, and then I don't like the fact of being charged tax
2 over and over again on the large amount of the money.

3 Q. Where are you being charged the late charges, on
4 your current bill?

5 A. A few of them.

6 JUDGE DUNDERDALE: I'm sorry. Can you say that
7 again, please.

8 A. I said I see just a few. There's one about two
9 or three times they are charging late charges.

10 JUDGE DUNDERDALE: Can you find a particular month
11 that you can tell Ms. Kubiak?

12 THE WITNESS: I'm looking for that right now. Late
13 charge 81 cents.

14 JUDGE DUNDERDALE: What month was that?

15 THE WITNESS: Oh, okay. That was back in 5/6, one
16 back that far.

17 JUDGE DUNDERDALE: How about since you got the new
18 meter, so what is that, June of 2009?

19 THE WITNESS: Let me see here. I see corrections and
20 credits on the, on here.

21 JUDGE DUNDERDALE: Is there a particular month that
22 you can cite to?

23 THE WITNESS: The particular month, let's see, I have
24 6/8 of 2009. And it starts out 1606, some type of an
25 account supplement adjustment 1823, then adjustment 539

1 credit correction, 133 credit, correction 157, correction
2 128, correction 169, correction 157. These are all from
3 6/08/09 through 6/24/09. Then it jumps to \$370.75 on 6/24
4 of '09.

5 JUDGE DUNDERDALE: By the way, is that on your
6 residence account or is that on your daughter's?

7 THE WITNESS: No, that's on our account, 56-B.

8 JUDGE DUNDERDALE: How about after, anytime that
9 you've seen these charges after June 24th, '09?

10 THE WITNESS: Everything looks good after that.

11 JUDGE DUNDERDALE: I'm sorry, Ms. Kubiak. Go ahead
12 and ask another question.

13 BY MS. KUBIAK:

14 Q. I think the judge had asked you this before,
15 but, again, I wasn't clear on your answer. Do you know how
16 much your account was charged for past usage?

17 A. \$598.56.

18 Q. How did you come up with that number?

19 A. This is what you printed out to me. Duquesne
20 Light account statement.

21 Q. All right. So you're looking at the June 24th,
22 2009, entry that says ACT SUP, which is the supplier bill.
23 Is that correct?

24 A. Yes.

25 Q. The amount credited to your daughter, do you

1 know how much that was?

2 A. The paper is here. Hold on. Hers is, on hers
3 it's 6/8/2009, \$110.79. Then it goes on the 24th to 373.82,
4 but they had a back amount on there of minus \$956.21. Then
5 on 6/29 it drops down to \$110.79 credit. Per her bill it
6 starts crediting, crediting, crediting, and she has not used
7 a cent of that crediting, none.

8 Q. why has she not used it?

9 A. Because she has disputed the amount that you are
10 giving her credit. It doesn't match up with what I am being
11 billed, this amount.

12 MS. KUBIAK: I have no further questions. Thank you,
13 Your Honor.

14 JUDGE DUNDERDALE: Did her questioning of you bring
15 up any other testimony you want to tell me before I ask if
16 you want your husband to testify?

17 MS. JERGONS: No, we're fine.

18 JUDGE DUNDERDALE: Did you want your husband to
19 testify?

20 MS. JERGONS: No, he doesn't have anything to say.

21 JUDGE DUNDERDALE: All right. In that case, I'm
22 going to turn to Ms. Kubiak. Ms. Kubiak, who are you going
23 to call as a witness?

24 MS. KUBIAK: Your Honor, I'm going to first call
25 Marie Tamilya.

1 JUDGE DUNDERDALE: All right. Ms. Tamilya, I need to
2 swear you in as a witness.

3 whereupon,

4 MARIE TAMILIA,

5 having been duly sworn, testified as follows:

6 JUDGE DUNDERDALE: Would you tell me your full name,
7 please.

8 THE WITNESS: Marie Tamilya, T-a-m-i-l-i-a.

9 JUDGE DUNDERDALE: Thank you very much. Go ahead,
10 Ms. Kubiak.

11 DIRECT EXAMINATION

12 BY MS. KUBIAK:

13 Q. Ms. Tamilya, could you please tell me what your
14 job is?

15 A. My job is to investigate complaints filed with
16 the Public Utility Commission and report my findings back to
17 the PUC.

18 Q. How long have you been employed with Duquesne
19 Light Company?

20 A. Twenty-seven years.

21 Q. Are you familiar with the account located at 56
22 Midland Heights, Apartment A and B, both under Nannette
23 Jergons and Frank Jergons name?

24 A. Yes, I am.

25 Q. Have you had a chance to review the records on

1 those cases?

2 A. Yes.

3 Q. Can you tell us, when did Duquesne Light first
4 discover that there was something wrong with the billing on
5 the meters?

6 A. Initially when Nannette Jergons contacted us in
7 May of 2009.

8 Q. Why did she contact us?

9 A. She contacted us and stated that she had
10 unplugged everything and that her meter was still spinning.
11 So at that time we told her we would investigate her
12 complaints.

13 Q. Did someone go out and investigate her
14 allegations?

15 A. Yes.

16 Q. Do you know what date that was?

17 A. Yes. That was on June 4th of 2009.

18 Q. Was anything wrong found with the meter?

19 A. No.

20 Q. So the meter tested accurately?

21 A. Yes.

22 Q. What was discovered during that?

23 A. What was discovered was that Apartment A and
24 Apartment B were actually, the billings was twisted for each
25 of those accounts. So Apartment A was being billed for

1 Apartment B, and Apartment B was being billed for Apartment
2 A.

3 Q. What is that called within Duquesne Light
4 Company?

5 A. That's called a meter twist.

6 Q. So that means that the usage by Nannette was
7 being mailed to Frank Jergons for him to pay?

8 A. Yes.

9 Q. And that the usage by Frank Jergons was being
10 mailed to Nannette Jergons to pay?

11 A. That's correct.

12 Q. From Duquesne Light's perspective that was a net
13 sum being, right, I mean, it's not that there was any
14 missing usage or that any usage was being improperly
15 counted?

16 A. Correct.

17 Q. All the usage was properly being counted, it's
18 just it was being billed to the wrong person?

19 A. Yes.

20 Q. What happened after that?

21 A. At that point the meter twist was corrected and
22 billed and each customer was then rebilled for their correct
23 usage.

24 Q. Were they billed and credited the exact same
25 amount?

1 A. No, they were not.

2 Q. Why is that?

3 A. Apartment B was billed for the usage that they
4 had used, and Apartment A was billed for the usage that she
5 had used.

6 Q. Isn't it also true that one of these accounts
7 had a supplier?

8 A. Yes.

9 Q. And the supplier's costs may be different than
10 the Duquesne Light supply costs. Is that correct?

11 A. Yes.

12 Q. Can you tell me how much was Frank Jergons'
13 charge for the usage during that period of time?

14 A. He was charged \$568.10.

15 Q. And how much was Nannette Jergons credited for
16 that period of time?

17 A. She was credited \$582.39.

18 Q. And the difference in that is due to the
19 supplier's charges?

20 A. Yes.

21 MS. KUBIAK: I have no further questions for you at
22 this time. Thank you, Ms. Tamilya.

23 EXAMINATION

24 BY JUDGE DUNDERDALE:

25 Q. Ms. Tamilya, I have a question for you. I am

1 looking at Duquesne Light's exhibits that they sent ahead of
2 time, both one and two, and when I looked at two that
3 concerns Nannette's account. Do you have that in front of
4 you?

5 A. Yes, I do.

6 Q. Explain to me why there's a \$956.41 credit to
7 that account.

8 A. That is what happens is when they rebilled
9 Nannette Jergons, when we rebilled Nannette Jergons, we
10 removed all her kilowatt hours that she was originally
11 billed and then rebilled her and then with the payments that
12 she had made she came out with a credit on her account.

13 Q. You're not really answering my question then, at
14 least not in a way that I'm understanding you. You need to
15 use numbers. Tell me what happened.

16 A. Okay. It looks like, okay, she was billed--

17 Q. Let me ask you this first. For the month when
18 the payment, the statement went out on June 8, 2009.

19 A. Yes.

20 Q. Duquesne Light charged 56-A with \$110.79; right?

21 A. That is correct.

22 Q. That was later paid on June 29th. Is that
23 correct?

24 A. That is correct.

25 Q. All right. Now, there's a bill for \$373.82 that

1 was issued on 6/24/09?

2 A. Yes.

3 Q. Is that for current charges?

4 A. That would have been for the consumption of the
5 2,424 kilowatt hours. If you look and see how the number of
6 days, in the column number of days it's for 279 days, that
7 was the rebill for the actual kilowatt hours.

8 Q. So it's Duquesne Light's position that the 56-A
9 account used over 2,400 kilowatt hours in one month?

10 A. No, for 279 days. That goes back to the
11 original when she initiated the account which started in her
12 name, I believe, on September 2nd of 2008. That would have
13 been for her whole entire billing from the time she started
14 the account in her name.

15 Q. Why would you do that?

16 A. Because we're billing her for the actual usage
17 that, for the kilowatt hours that she actually used. So
18 what we did was we went back to September of 2008 when
19 Nannette started the account and rebilled both of those
20 accounts to that date.

21 Q. Why did you do it back to that date?

22 A. Because that's when Nannette, who was actually
23 concerned with her bills, we started on that date instead of
24 actually going back even further. I mean, it would have
25 been, it wouldn't have made sense to go back any further.

1 So actually the Jergons, the customers in Apartment B,
2 weren't actually billed for further usage back, do you know
3 what I'm saying, because they're not.

4 Instead of going back even further, we just
5 decided to start with the date that Nannette started, and
6 then that would make it a clean meter twist.

7 Q. When did the meter twist occur?

8 A. That we don't know.

9 Q. You don't know when you put on a smart meter?

10 A. Well, the smart meters, there are no smart
11 meters. This right now is a pilot program. We have maybe
12 only less than a hundred in our whole service territory, and
13 the Jergons don't have one.

14 Q. So there's no smart meter here. So for as long
15 as there might have been an electric meter in these two
16 places, you may have had a twist?

17 A. That is correct. The last time there was a
18 meter change was, they were replaced, both those meters were
19 replaced in August of 1998.

20 Q. Am I correct to assume that before Nannette
21 Jergons was in Apartment A that there were other tenants
22 using that?

23 A. That is correct. I mean, I don't know what they
24 were using, but I can only tell you when the last time the
25 meter was changed.

1 Q. You indicated that the meters, when they were
2 checked on June 4th of 2009, that they were testing
3 accurately. Were they actually pulled and tested?

4 A. Yes.

5 Q. And both of them were pulled?

6 A. I don't know if both were pulled. I know for
7 Apartment A was tested accurately.

8 Q. All right. So am I correct to assume that on
9 June 4th the technician got there, saw there was a problem,
10 pulled meter A, sent it off for testing, put a new meter on,
11 and then corrected the twist problem?

12 A. No. The meters were not replaced. It was just
13 the billing that was switched because the meter registered
14 accurately. It was just the billing, we did it internally,
15 and switched the billing to the correct premises.

16 Q. How did Duquesne Light test the meter from
17 Apartment A if they didn't pull it and send it for testing?

18 A. Apartment A was actually tested.

19 Q. So when I made the assumption earlier, am I
20 correct to assume that the meter from Apartment A was pulled
21 on June 4th and sent out for testing?

22 A. It's not sent out for testing. The meter
23 inspector tested it right then and there.

24 JUDGE DUNDERDALE: Is that the individual that I'm
25 going to be hearing from later, Ms. Kubiak?

1 MS. KUBIAK: The individual that did the actual
2 testing has retired, but Mr. Clay Fuller does the exact same
3 job and is familiar with the, he does a similar job and is
4 familiar with the procedures.

5 JUDGE DUNDERDALE: All right.

6 BY JUDGE DUNDERDALE:

7 Q. So, Ms. Tamilya, you all made the decision to
8 charge \$373.82, which was the historical amount that should
9 have been tested over -- I haven't counted them -- but
10 approximately a ten-month period. Is that correct?

11 A. Yes, back to September of 2008.

12 Q. All right. Do you think that was explained on
13 the bill that you would have sent?

14 A. The field man at the time met with both Mr. and
15 Mrs. Jergons and Nannette Jergons and explained the billing
16 at that time.

17 Q. But was there ever a paper bill that would have
18 indicated what the \$373 charge was for?

19 A. It would have shown on the bill the number of
20 kilowatt hours. It would have shown on the bill.

21 Q. To the best of your knowledge, what would have
22 been the date of that document that would have shown that?

23 A. It would have been the June 24th of 2009 bill.

24 JUDGE DUNDERDALE: Ms. Kubiak, is that Exhibit 3?

25 MS. KUBIAK: It is, Your Honor.

1 BY JUDGE DUNDERDALE:

2 Q. Do you have Exhibit 3 in front of you, Ms.
3 Tamilia?

4 A. Yes.

5 Q. Can you show me or point me to where on -- I
6 have a two-page document for Exhibit 3 -- can you point me
7 to where I would see that information reflected?

8 A. Well, do you know what, Exhibit 3 is for the
9 account for the name of Frank Jergons for Apartment B. What
10 we're discussing is for Nannette Jergons.

11 JUDGE DUNDERDALE: I don't have that, do I, Ms.
12 Kubiak?

13 MS. KUBIAK: No, Your Honor, because Nannette Jergons
14 didn't file a complaint.

15 BY JUDGE DUNDERDALE:

16 Q. So if I'm understanding you correctly, Ms.
17 Tamilia, what Duquesne Light did was they went back and over
18 that approximate ten-month period they determined what the
19 electric charges should have been and they charged the
20 client for that and then they deducted out what had been
21 charged and should not have been paid?

22 A. Yes. They deducted out what was originally
23 billed and then rebilled them for that usage.

24 Q. So that \$956 charge would include not only the
25 amount that had to be credited but also all the amounts that

1 had actually been paid?

2 A. Yes.

3 Q. I'm looking at Exhibit 2 now which shows for
4 Apartment A. On the second line for September 23rd, 2008,
5 it shows an \$11.41 credit. Is that where a payment was
6 actually made by Ms. Nannette?

7 A. Yes.

8 Q. So every time I see a CR in that column that's
9 entitled bill payment adjustment that's referring to a
10 payment?

11 A. If it has in the type, the column type, it says
12 payment, yes, and it's credited, that would be a payment.

13 Q. All right. And then is there a column, about
14 the fifth column in, that would tell me if that particular
15 line is actually a payment?

16 A. Yes, under the type, yes.

17 Q. Okay. Is the only credit on Apartment A account
18 payment credits or is there any other kind of credit that I
19 would see there, aside from that \$900 one?

20 A. Aside from the \$900, no, I do not see. I do see
21 all payments and then a rolling credit to the far right.

22 Q. So tell me again, what is the amount that was
23 credited back to Apartment A?

24 A. Apartment A was \$582.39.

25 Q. That's on the last page, or I'm sorry, that's

1 the last line of the first page of Exhibit 2; right?

2 A. Yes.

3 Q. Then can you explain to me why if Apartment A
4 kept making all of their monthly credit payments why the
5 amount of the credit is going down, the balance?

6 A. why is the amount of the balance going down?

7 Q. Yes. Do you understand my question?

8 A. No.

9 Q. If you will look on the second page of Exhibit
10 2, there is a bill that was issued on 7/8/09.

11 A. Yes.

12 Q. And the bill was for \$43.59?

13 A. Yes.

14 Q. All right. So we see that there is a lower
15 amount on the balance, \$538.80; right?

16 A. \$538.80, yes.

17 Q. I haven't done the math, but I am assuming that
18 \$538.80 plus 43.59 would get me back up to 582.39; right?

19 A. That is correct.

20 Q. If the client then paid the \$43.59 -- well, she
21 did actually; I see that -- on 7/27 Apartment A actually
22 paid the same amount billed, 43.59; right?

23 A. Yes.

24 Q. So the balance goes back up to \$582; right?

25 A. That is correct.

1 Q. Why is it then at the bottom of page two of this
2 exhibit I'm showing a significantly lower-- Or wait. I'm
3 sorry. Maybe I've answered my own question. Each time
4 she's paying we're getting back up to the 582.39; correct?

5 A. That is correct.

6 Q. All right. So that assuming she makes this last
7 payment which went out on or the bill that went out on
8 2/7/11, she will still be owed \$582.39?

9 A. Yes, if she makes that \$50.27 payment, yes.

10 JUDGE DUNDERDALE: Ms. Kubiak, is this the witness
11 who would be able to explain to me why Duquesne Light is not
12 simply cutting a check or do you have a better witness for
13 that?

14 MS. KUBIAK: I do have a better witness for all of
15 these issues.

16 JUDGE DUNDERDALE: Which witness will that one be?

17 MS. KUBIAK: Sharon Jackson.

18 JUDGE DUNDERDALE: That's fine. I'm sorry. I've
19 asked a whole bunch of questions. Ms. Jergons, do you have
20 any questions for this particular witness?

21 MS. JERGONS: For this witness, no, Your Honor.

22 JUDGE DUNDERDALE: Thank you, very much. Who is your
23 next witness, Ms. Kubiak?

24 MS. KUBIAK: Mr. Clay Fuller.

25 JUDGE DUNDERDALE: Mr. Fuller, I need to swear you in

1 as a witness.

2 whereupon,

3 CLAY FULLER,

4 having been duly sworn, testified as follows:

5 JUDGE DUNDERDALE: Would you tell us your full name,
6 please.

7 THE WITNESS: Sure. It's Clay Fuller, F-u-l-l-e-r.

8 JUDGE DUNDERDALE: Thank you very much. Go ahead,
9 Ms. Kubiak.

10 MS. KUBIAK: Thank you.

11 DIRECT EXAMINATION

12 BY MS. KUBIAK:

13 Q. Mr. Fuller, what is your job title?

14 A. I'm a field service representative.

15 Q. Could you tell us what field service
16 representatives do?

17 A. We investigate any issues that have to be done
18 at the home or business. We can't do it over the phone. It
19 has to be done on-site.

20 Q. Are you familiar with the name of Dave Rinehart?

21 A. Yes.

22 Q. Can you tell me who he was?

23 A. He was the field service rep for Beaver County.

24 Q. Is he currently employed by Duquesne Light
25 Company?

1 A. No. He retired last year.

2 (Whereupon, the document was marked as Respondent
3 Exhibit No. 4 for identification.)

4 BY MS. KUBIAK:

5 Q. I'm going to hand you what has been marked as
6 Exhibit Number 4. Do you recognize Number 4?

7 A. Yes.

8 Q. Can you tell me what that is?

9 A. This is a printout of what we call the CAMM
10 messages. Anything that's done on the account is documented
11 by the date and by the person who entered the account
12 information.

13 Q. Mr. Fuller, would you mind speaking up, please,
14 just to make sure that the tape recorder can get you. Can
15 you tell me what address Exhibit Number 4 relates to?

16 A. Yes. 56 Midland Heights, Apartment B.

17 Q. And who is the name of the ratepayer on this
18 account?

19 A. Frank Jergons.

20 Q. If you go to the last page of that exhibit, can
21 you tell me what Mr. Rinehart did when he arrived at the
22 Jergons' residence?

23 A. Okay. This is documented as information entered
24 by Mr. Rinehart on June 23rd, 2009. He spoke to Nannette
25 Jergons, daughter of above ratepayer. Meter is to be

1 untwisted and rebilled from 2/9/08. Both parties aware of
2 this action.

3 So normally at this time we would try to explain
4 to both parties what had happened and what to expect. Of
5 course, in this case I believe Mr. Rinehart would have
6 explained it. One party was underbilled, and the other part
7 was overbilled.

8 Normally if it's overbilled we do offer special
9 billing. We don't expect anyone to pay a large amount at
10 any one given time, especially if it's a meter twist that's
11 been, it would have been over a year. So we want to give
12 them that opportunity to pay the bill as painless as
13 possible.

14 Q. But are they, after the meter twist is
15 completed, are they paying for their actual usage?

16 A. Yes.

17 Q. So they're only paying for the amount of
18 electricity that they actually used?

19 A. Exactly right. They're not being penalized.

20 Q. And there's no late payment or any extra charges
21 that accrue besides the regular charges on the account for
22 their usage?

23 A. Right, exactly right.

24 Q. And then the other party, Nannette Jergons,
25 would be issued a credit?

1 A. Yes.

2 Q. So it's not that Duquesne Light makes out in
3 these cases, it's just that the proper party is given their
4 credit?

5 A. Exactly right. Everyone is being billed what
6 they actually used.

7 Q. Based on your review of this account, it appears
8 that the Jergons may have been in a meter twist situation
9 for a long time. Is that correct?

10 A. Yes.

11 Q. Now, Nannette Jergons was fully compensated for
12 the extra money that she paid. Is that correct?

13 A. Yes.

14 Q. But was Frank Jergons fully billed for the extra
15 amount that he used and did not pay?

16 A. No.

17 Q. No?

18 A. No.

19 Q. Because you only went back to September of '08
20 on his account as well; right?

21 A. Exactly right.

22 Q. Okay. So for those period of years before that
23 where he may have been paying less than he was supposed to
24 be paying, Duquesne Light did not go after him for those
25 additional monies?

1 A. Exactly right. we don't pursue the ratepayer
2 for that money.

3 Q. Dave Rinehart went out on June 23rd of 2009. Is
4 that correct?

5 A. Yes.

6 Q. Do you know if they were offered a special
7 billing, the Jergons?

8 A. That's normally what we would do. Since Mr.
9 Rinehart trained me, I would say yes.

10 Q. How do you determine that there is a meter
11 twist?

12 A. Normally we're given the information through the
13 meter inspector. Somebody calls in for a high bill
14 complaint is normally one of the ways we find out that
15 there's a meter twist.

16 Q. Once you go out to discover the meter twist do
17 you replace the meters?

18 A. No.

19 Q. Why not?

20 A. There's no need to replace the meters. The
21 issue wasn't the fact that the meters were registering
22 incorrectly. The issue was that the meters were placed in
23 the wrong socket. Sometimes that happens because the meters
24 aren't marked correctly by the electrician, and other times
25 it's just human error.

1 Q. What do you do once you discover that there is a
2 meter twist situation? What is your job?

3 A. My job is to correct it. Okay? In this case
4 Mr. Rinehart went back to the cut-in date of Nannette, which
5 is standard. We go back to the most recent cut-in date and
6 rebill those customers based on what they've used.

7 Q. Then how do you go about doing the rebill? You,
8 of course, don't do the rebill. Is that correct?

9 A. No. I give the paperwork to customer
10 accounting.

11 Q. And what does that paperwork say?

12 A. The paperwork says we are changing the meters in
13 our system only. We are not actually physically changing
14 them, just changing them in the paperwork process, making
15 sure that each party is being billed correctly for the meter
16 that's servicing them.

17 MS. KUBIAK: No further questions. Thank you, Mr.
18 Fuller.

19 EXAMINATION

20 BY JUDGE DUNDERDALE:

21 Q. Mr. Fuller, I have a question for you. Tell me
22 if I'm understanding this correctly. When Mr. Rinehart went
23 out he would have, by checking serial numbers or some sort
24 of identification numbers, is that how he would have figured
25 out that Apartment A was being billed based upon the meter

1 that was numbered for Apartment B?

2 A. He would have been given information by the
3 meter inspector, and that's what he followed up on.

4 Q. So that in laymen's terms Apartment A's meter
5 was in Apartment B's socket?

6 A. Yes.

7 Q. So to correct the problem did you then leave the
8 meters where they were and simply switch the numbers on the
9 account?

10 A. Yes.

11 Q. So that it might look like there were new meters
12 but actually it was the numbers that were being swapped?

13 A. Exactly right.

14 Q. All right. There's some statement to the effect
15 that the meter was tested for Apartment A for accuracy.

16 A. Uh-huh.

17 Q. How would that have been done without sending it
18 out?

19 A. The meter techs have the ability to put a load
20 check on the meter, and they time the disc by the
21 revolutions that he counts. I do not inspect meters, but
22 that's how I believe they do it as I have witnessed it in
23 the past.

24 Q. Approximately how long does it take to do that
25 type of a meter test?

1 A. A few minutes.

2 JUDGE DUNDERDALE: I don't have any other questions.
3 Do you, Ms. Jergons, have any questions for this particular
4 witness?

5 MS. JERGONS: The question I have for him is based on
6 the record that says that both meters were pulled because I
7 was here and only 56-A meter was pulled. Mine was not
8 touched.

9 JUDGE DUNDERDALE: Do you understand the question,
10 Mr. Fuller?

11 THE WITNESS: Yes. The meter that was pulled, I
12 believe, for Nannette interrupted the service for the
13 ratepayer who has filed the complaint.

14 JUDGE DUNDERDALE: So, in other words, Apartment A's
15 meter was pulled momentarily and that created a problem for
16 electricity in Apartment B?

17 THE WITNESS: Yes.

18 JUDGE DUNDERDALE: When it was pulled was it
19 immediately returned?

20 THE WITNESS: According to the statement by the
21 ratepayer she notified the meter inspector that she had lost
22 power and explained that her husband needed the electricity
23 back on as soon as possible.

24 JUDGE DUNDERDALE: And is it your understanding that
25 the same meter was simply replaced in the same socket?

1 THE WITNESS: Yes. Only one meter was pulled.

2 JUDGE DUNDERDALE: I'm sorry, Ms. Jergons. Did you
3 have any other questions for this witness?

4 MS. JERGONS: No. That's exactly what happened, and,
5 like I said, my husband's oxygen was cut off. That's why,
6 my meter is right here beside the out window. I stuck my
7 head out the window and basically popped it right back in
8 and we were okay.

9 JUDGE DUNDERDALE: Do you have any other witnesses,
10 Ms. Kubiak?

11 MS. KUBIAK: I do, Your Honor. I would call Ms.
12 Sharon Jackson.

13 JUDGE DUNDERDALE: Ms. Jackson, I need to swear you
14 in as a witness.
15 whereupon,

16 SHARON JACKSON,
17 having been duly sworn, testified as follows:

18 JUDGE DUNDERDALE: Would you tell me your full name,
19 please.

20 THE WITNESS: Sharon Jackson.

21 JUDGE DUNDERDALE: Go ahead, Ms. Kubiak.

22 DIRECT EXAMINATION

23 BY MS. KUBIAK:

24 Q. Hello, Ms. Jackson. How long have you worked at
25 Duquesne Light Company?

1 A. Twelve years.

2 Q. What is your current title?

3 A. Billing supervisor.

4 Q. Are you familiar with the account of Nannette
5 Jergons and Frank Jergons at 56 Midland Heights?

6 A. Yes, I am.

7 (Whereupon, the documents were marked as Respondent
8 Exhibit Nos. 1 and 2 for identification.)

9 BY MS. KUBIAK:

10 Q. I'm going to hand you what has been marked
11 Exhibits 1 and 2. Can you tell me what these are?

12 A. These are statements of account.

13 Q. Number 1 says Frank Jergons. Is that the
14 account statement for his apartment?

15 A. Yes, it is.

16 Q. It has a date of March 8th of 2006. It says
17 starting date on the first page. Do you know why it goes
18 back to that date?

19 A. That would-- would that be his start date?

20 JUDGE DUNDERDALE: If the witness does not know the
21 answer, I simply need you to indicate you don't know the
22 answer.

23 A. I don't know the answer.

24 BY MS. KUBIAK:

25 Q. Okay. Let's look at page five of eight on Frank

1 Jergons' account.

2 JUDGE DUNDERDALE: Ms. Kubiak, can we find out
3 whether or not this particular witness actually produced
4 either one of these exhibits?

5 MS. KUBIAK: Your Honor, I don't believe she did
6 produce either one.

7 JUDGE DUNDERDALE: Is that true, Ms. Jackson?

8 THE WITNESS: I did not.

9 JUDGE DUNDERDALE: Are you familiar with these
10 statements?

11 THE WITNESS: I am. I'm sorry. I had my pages in
12 the wrong order.

13 JUDGE DUNDERDALE: Can you now answer Ms. Kubiak's
14 question as to why it starts on March 8, 2006?

15 THE WITNESS: That would be to and from date that was
16 selected for the statement of account.

17 JUDGE DUNDERDALE: Why would that date have been
18 picked?

19 THE WITNESS: I'm not sure why she had picked that.

20 JUDGE DUNDERDALE: She, you're referring to the
21 attorney?

22 THE WITNESS: I am.

23 JUDGE DUNDERDALE: Thank you. I'm sorry. Go ahead,
24 Ms. Kubiak.

25 BY MS. KUBIAK:

1 Q. If you could look on page five of eight of Frank
2 Jergons' statement of account, on June 24th it appears that
3 there was some activity in the billing department. Can you
4 tell me what happened on the account once billing received
5 the meter twist information from the field technician?

6 A. Once we received that information I backed out
7 what all the usage is done on each customer's account, and
8 then the usage that the customer actually used is then
9 rebilled.

10 Q. So let me break that down for you. So the
11 backout for this bill for this account was back to September
12 2nd of 2008. Is that correct?

13 A. Yes.

14 Q. So for Frank Jergons, even though that the
15 account clearly goes on much before that, the backout you
16 took off from his account all of the usage from September
17 2nd of 2008 to June 24th of 2009?

18 A. Correct.

19 Q. Then you put back on to his account, is that
20 correct, the amount of usage that he actually used which was
21 being read by the other account?

22 A. Correct.

23 Q. The amount of usage for that entire period of
24 time was 7,092 kilowatt hours. Is that correct?

25 A. Yes.

1 Q. And then the backout amount over here, even
2 though you don't see it like the backout consumption number,
3 the backout amount of 175.82, that is the amount that he
4 paid on his bill during that period of time?

5 A. Correct.

6 Q. So when that-- And that is between the adding
7 and subtracting of that is how we get to the amount that he
8 was charged to his account, which was \$568.10?

9 A. Yes.

10 Q. Is that right?

11 A. It is.

12 Q. Why do you do it that way? I mean, why not just
13 issue him a credit of the or, you know, an extra charge of
14 the amount that he didn't pay as opposed to going back
15 through the whole backout billing situation?

16 A. In order to untwist the meters we need to go
17 into the system and actually take out all of the usage that
18 is on his account from that meter twist point to current.

19 Q. By doing that that also keeps track of supplier
20 changes. Is that correct?

21 A. Yes, it does.

22 Q. And rate changes?

23 A. Yes, it does.

24 Q. And any other additional amounts that might be
25 charged?

1 A. Right.

2 Q. So you make sure that you are charging them for
3 the whole way that their account is set up and not just
4 making an end switch at the end?

5 A. Correct.

6 Q. This account statement is perhaps a little more
7 confusing than Nannette Jergons because under type it has
8 ACT DLC and ACT SUP. Can you tell me what those two types
9 are?

10 A. One is the Duquesne Light charges, and one is
11 the supplier charges.

12 Q. Again, this bill on June 24th, this bill
13 represents the entire time from August, I'm sorry, September
14 2nd, 2008, through June 24th of 2009?

15 A. It does.

16 Q. Then that 175, if you added up all the payments
17 between those two periods of time, that would equal \$175.
18 Is that right?

19 A. Correct.

20 (Whereupon, the document was marked as Respondent
21 Exhibit No. 3 for identification.)

22 BY MS. KUBIAK:

23 Q. I'm going to hand you what has been marked as
24 Exhibit Number 3. Do you recognize Exhibit Number 3?

25 A. I do.

1 Q. Can you tell me what that is?

2 A. This is the bill to Frank Jergons, the corrected
3 bill.

4 Q. So this is the bill that is reflected on the
5 account statement on June 24th, 2009. Is that right?

6 A. It is.

7 Q. It says 602.39. But that wasn't the amount that
8 was added to his account, was it?

9 A. No.

10 Q. That included this amount total due from the old
11 bill. Is that right?

12 A. Yes, it does.

13 Q. Because he had failed to make the payment of his
14 previous bill by the time the June 24th bill was sent out.
15 Is that right?

16 A. That is correct.

17 Q. If we could look at Exhibit Number 2, we're
18 going to be looking at the bottom of page one on Exhibit
19 Number 2. Can you tell me whose account statement this
20 account is?

21 A. This is Nannette Jergons.

22 Q. On June 24th was the same thing done to her
23 account?

24 A. It was.

25 Q. So she had been previously paying a much higher

1 bill than Frank Jergons. Is that right?

2 A. Yes.

3 Q. And that's part of the reason her back-out
4 amount was considerably higher than Frank Jergons' back-out
5 amount?

6 A. Yes.

7 Q. Again, what does this 2,424 number under
8 consumption on June 24th of 2009, what does that represent?

9 A. That was the rebilled kilowatt hours that she
10 actually used for that period of time.

11 Q. We have discussed that the two amounts aren't
12 exactly the same. Can you tell us, does Duquesne Light have
13 any control over the supplier charges?

14 A. None.

15 Q. So especially in this case we need to be very
16 clear about the amount that is owed to the supplier since
17 they are not part of the Duquesne Light Company. Is that
18 correct?

19 A. Yes.

20 Q. So by backing it up from that September 2nd date
21 you have to be clear what amount is actually owed to the
22 supplier?

23 A. Correct.

24 Q. In this case, in fact, the supplier would be
25 owed, I mean, it sounds like Duquesne Light does lose money

1 because the supplier is owed a lot bigger portion of this
2 consumption than they had previously been owed?

3 A. Yes.

4 Q. Okay. There was a question before about the
5 fact that \$582 sits on the account. Do you know how credits
6 are given back to customers?

7 A. It's requested.

8 Q. So if a request is made Duquesne Light will cut
9 the check to the customer?

10 A. Right.

11 Q. There are some customers that like to keep high
12 extras on their account. Is that true?

13 A. Yes, it is.

14 Q. Okay. So depending on if they go out of town
15 for a couple of months, if they're snowbirds, or if they
16 have really high summer usage, they might keep credits on
17 the account to cover those months?

18 A. Correct.

19 MS. KUBIAK: I have no further questions for you.
20 Your Honor, at this time I move to admit Exhibits 1 through
21 4.

22 JUDGE DUNDERDALE: Hold on. Let me ask questions
23 first.

24 EXAMINATION

25 BY JUDGE DUNDERDALE:

1 Q. Ms. Jackson, you said that it's the policy of
2 Duquesne Light not to cut a check unless the ratepayer asks
3 for one?

4 A. Correct.

5 Q. Does Duquesne Light ever tell the ratepayer that
6 they have this option?

7 A. I'm not sure if it's formally stated to them.

8 Q. How would they know?

9 A. They would normally just call in and state that
10 they have a credit on their account, could they please
11 receive it, the check.

12 Q. So as far as you can tell the ratepayer for
13 Apartment A, Ms. Nannette, she may not have known that all
14 she had to do was ask for a check?

15 A. She may not have.

16 Q. This time period that you did the backout, which
17 was from September of '08 to June of '09, what was Duquesne
18 Light's distribution charge, or I'm sorry, commodity charge?

19 A. I don't know.

20 Q. Don't you kind of need to know that in order to
21 do this rebilling?

22 A. Well, everything is done in the system. I could
23 look it up. Once you put the information in the system, it
24 untwists itself because you need to keep all of the kilowatt
25 hours so that it can take into consideration the rates and

1 the rate changes and the supplier charges.

2 Q. Do you know whether or not the Duquesne Light
3 commodity charge was higher or lower than the supplier?

4 A. I have no idea right now.

5 Q. Then why did you tell Ms. Kubiak a few moments
6 ago that of course there was more money that was owed to the
7 supplier?

8 A. Based upon the numbers that we had seen.

9 Q. What numbers, on this account or some other
10 account?

11 A. On this account.

12 Q. Ms. Jackson, I'm trying to understand whether or
13 not the supplier was charging a higher rate at that time
14 than Duquesne Light. Can you answer that question?

15 A. I don't have the rates in front of me. No, I
16 cannot.

17 Q. And you do not recall relative to each other
18 whether or not one was higher or lower?

19 A. I believe the analysis that I did for this
20 meeting that I believe it was higher.

21 Q. I'm sorry. Which one was higher?

22 A. I believe the supplier's. I'm sorry. Let me
23 check my paper. I believe Duquesne Light was higher.

24 Q. You believe, and, therefore, if I'm
25 understanding this correctly, that means that Frank Jergons

1 should have been paying a higher commodity charge from
2 September to June than Nannette would have been paying. Is
3 that correct?

4 A. No, because he, I believe, had the supplier.

5 Q. All right. So the supplier was on Frank's
6 account?

7 A. Correct.

8 Q. Nannette was not using a nonDuquesne Light
9 supplier?

10 A. Correct.

11 Q. So, therefore, I would be correct to assume that
12 Nannette was going to pay a higher commodity rate for that
13 ten-month period than Frank would have?

14 A. I'm assuming, yes.

15 Q. Of course, we're talking about per kilowatt
16 hour; right?

17 A. Correct.

18 Q. All right. In addition to that commodity rate,
19 would there have been an additional charge for the use of
20 the supplier?

21 A. No.

22 Q. So the only difference that the supplier has in
23 this whole equation is simply what commodity rate was
24 charged?

25 A. Correct.

1 JUDGE DUNDERDALE: All right. Hold on for a minute.
2 That's all the questions I have for you right now. Before I
3 offer you up for cross-examination, let me first just deal
4 with the exhibits. You had indicated, Ms. Kubiak, you
5 wanted to move for the admission of one, two, three, and
6 four?

7 MS. KUBIAK: That's correct.

8 JUDGE DUNDERDALE: First let me ask, Ms. Jergons, did
9 you receive a copy of these four exhibits?

10 MS. JERGONS: I did, Your Honor.

11 JUDGE DUNDERDALE: You did?

12 MS. JERGONS: Yes, I did, Your Honor.

13 JUDGE DUNDERDALE: Do you have any objection if I
14 consider these four?

15 MS. JERGONS: I have no objection.

16 JUDGE DUNDERDALE: In that case they're going to be
17 admitted. Because I don't think it's clean in the record,
18 let me simply indicate or have you indicated to me, Ms.
19 Kubiak, what are Exhibits 1, 2, 3, and 4?

20 MS. KUBIAK: Exhibit Number 1 is the account
21 statement for Frank Jergons, Exhibit Number 2 is the account
22 statement for Nannette Jergons, Exhibit Number 3 is the June
23 24th rebill for Frank Jergons, and Exhibit Number 4 are
24 copies of what we call the CAMM, the customer information
25 system computer detail for Frank Jergons' account for the

1 period of time covering the meter twist.

2 JUDGE DUNDERDALE: In that case they will all be
3 admitted as marked.

4 (Whereupon, the documents marked as Respondent
5 Exhibit Nos. 1 through 4 were received in evidence.)

6 JUDGE DUNDERDALE: Before I move on, let me just
7 double-check, did you receive, Ms. Kubiak, the complainant's
8 exhibit?

9 MS. KUBIAK: I did, Your Honor. It appears to me
10 from looking it over complainant's exhibit appears to be
11 copies of the checks that were paid since the meter twist,
12 which I think goes forward to support Ms. Jergons allegation
13 that Nannette hasn't, quote, used the credit and that they
14 have paid all of their to date billing charges, which I
15 think is also to reflect the account statement. I have no
16 objection.

17 JUDGE DUNDERDALE: I'm sorry, Ms. Jergons. I need to
18 give you the opportunity to ask questions of Ms. Jackson.
19 Did you have any?

20 MS. JERGONS: Yes, I do.

21 JUDGE DUNDERDALE: Go ahead.

22 MS. JERGONS: On my paper that is on page two,
23 respondent inspected meter and found meter for A was
24 twisted--

25 JUDGE DUNDERDALE: I need to stop you. Where are

1 you?

2 MS. JERGONS: I'm on the court order.

3 JUDGE DUNDERDALE: Are you talking about page two of
4 your exhibit?

5 MS. JERGONS: Yes.

6 JUDGE DUNDERDALE: So that's the one that at the
7 start it says, it's handwritten and it says to the Honorable
8 Commission?

9 MS. JERGONS: No. This is the typed one from Kubiak.

10 JUDGE DUNDERDALE: I may have yours in the wrong
11 order. Let me tell you the order I have yours in. Okay?
12 Since we do this by telephone we have to make sure we're all
13 on the same page, literally.

14 I have 11 pages for your exhibit, and the first one
15 is simply the facsimile cover letter. The second one is the
16 February 2nd, 2011, telephone hearing notice, just one page
17 of that. The second, the next page, excuse me, is a
18 handwritten page that says to the Honorable Commission, and
19 it's dated 2/17/11.

20 The page after that starts three pages' worth of
21 copies of checks. Then after that there is a statement from
22 Duquesne Light for Frank Jergons and four pages of that, and
23 those four pages involve Apartment B. And then the last
24 page I have is page one of the answer that was filed by
25 Duquesne Light in this matter.

1 MS. JERGONS: Correct.

2 JUDGE DUNDERDALE: Are we all on the same page?

3 MS. KUBIAK: Yes, Your Honor.

4 JUDGE DUNDERDALE: You agree that's all you sent me;
5 right, Ms. Jergons?

6 MS. JERGONS: Yes.

7 JUDGE DUNDERDALE: So I'm going to be dealing with
8 them as, like, page one, two, and so on, and page one is
9 going to be your cover sheet. So now tell me what page
10 you're on.

11 MS. JERGONS: On the actual certificate of service by
12 the act from Duquesne Light.

13 JUDGE DUNDERDALE: Would that be of her answer, do
14 you know?

15 MS. JERGONS: Yes.

16 JUDGE DUNDERDALE: So we're not looking at your
17 exhibits; right?

18 MS. JERGONS: No.

19 JUDGE DUNDERDALE: All right. Hold on. Let me get
20 over to there. So you're talking about the certificate of
21 service by Ms. Kubiak on her answer, yes?

22 MS. JERGONS: Yes.

23 JUDGE DUNDERDALE: Okay. Go ahead.

24 MS. JERGONS: Now, on page two of that I'm going down
25 to the last paragraph, and it says complainant avers we are

1 never late on bill. And she has on there that it is denied.
2 She has on there, on the contrary, since January 2008 late
3 charges were assessed towards the electric service for 56
4 Midland Heights Homes, Apartment A, following dates: July
5 9th, December 8th, and January 8th, and March 9th of 2009.

6 JUDGE DUNDERDALE: I see where you are. Do you have
7 a question then for Ms. Jackson?

8 MS. JERGONS: When were the late charges filed when
9 the money and the bills were paid on time?

10 JUDGE DUNDERDALE: Do you know, Ms. Jackson?

11 THE WITNESS: I do not know. I'm looking.

12 JUDGE DUNDERDALE: Ms. Kubiak?

13 MS. KUBIAK: Your Honor, I'm going to direct Ms.
14 Jackson to page three of Exhibit 1 of Frank Jergons account.

15 JUDGE DUNDERDALE: Actually, this question is for
16 you, Ms. Kubiak, because you're the one who prepared the
17 answer.

18 MS. KUBIAK: That's no problem. Well, then--

19 JUDGE DUNDERDALE: Hold on. Let me ask you the
20 question. What I wanted to ask you was under paragraph
21 number five you're indicating two different account numbers
22 and indicating that for one account number there were four
23 late dates and on the other account number there were no
24 late dates.

25 which account numbers are you using? In other words,

1 are you using the one before the twist was discovered or
2 after? So is it possible that when you're saying that there
3 were no late charges on Apartment B it might have been for
4 Apartment A?

5 MS. KUBIAK: No, Your Honor, it's not possible. The
6 account numbers never changed. What changed were the meter
7 numbers that were attributed to each account. The account
8 numbers maintained the same during that period of time.

9 JUDGE DUNDERDALE: So when you made these averments
10 in your answers, you're referring to, to the best of your
11 knowledge, even after the twist, it would appear that
12 Apartment B was never late and Apartment A may have been
13 late?

14 MS. KUBIAK: It's actually not before the twist. It
15 was after the twist was discovered. Let me be clear. But
16 June 24th of 2009 was when the twist was discovered and
17 corrected. Before that date Frank Jergons, who is the 4000
18 account number, was late on his bill four times. Nannette
19 Jergons was never late on her bill.

20 JUDGE DUNDERDALE: Correct me if I'm wrong, isn't
21 Apartment A for Nannette?

22 MS. KUBIAK: That is correct. I think-- I agree
23 that the problem with-- The incorrect-- The mistake of
24 this is that the A and B is interposed, but if you look at
25 the account numbers they currently track with the Frank

1 Jergons and Nannette Jergons statement of accounts.

2 JUDGE DUNDERDALE: All right. Wait a minute. In
3 your first full paragraph under paragraph number five of
4 your answer, you're referring to 56 Midland Heights Homes,
5 Apartment A, and then you give an account number that starts
6 4000.

7 MS. KUBIAK: That's correct.

8 JUDGE DUNDERDALE: Are you now telling me that those
9 four dates that appear as possible late dates were actually
10 involving the other account?

11 MS. KUBIAK: No.

12 JUDGE DUNDERDALE: All right. Then stop. What I
13 don't understand is how if that's Nannette's account for
14 Apartment A--

15 MS. KUBIAK: It's not, Your Honor.

16 JUDGE DUNDERDALE: Well, then whose is it?

17 MS. KUBIAK: That is Frank Jergons' account. The
18 4000 account number is Frank Jergons' account.

19 JUDGE DUNDERDALE: Except, Ms. Kubiak, he doesn't
20 live in Apartment A.

21 MS. KUBIAK: That's correct, the A and B are wrong,
22 but the account numbers are correct and the late payments
23 are correct.

24 JUDGE DUNDERDALE: Didn't I just ask you if you
25 switched the account number and the address?

1 MS. KUBIAK: Your Honor, I--

2 JUDGE DUNDERDALE: Let me put this positively. Are
3 you telling me that in that first full paragraph of number
4 five of your answer you incorrectly stated that that account
5 payment was for Apartment A?

6 MS. KUBIAK: Yes. There was a typo on our answer,
7 that's correct, Your Honor.

8 JUDGE DUNDERDALE: Okay. So that first full
9 paragraph that's referring to that account number that
10 starts with 4000, that is supposed to be for Apartment B?

11 MS. KUBIAK: That is correct, Your Honor.

12 JUDGE DUNDERDALE: Then am I also correct when I turn
13 the page to assume that that next paragraph, the last
14 paragraph of number five, which indicates that there are no
15 late charges, that's actually referring to Apartment A?

16 MS. KUBIAK: That's correct.

17 JUDGE DUNDERDALE: All right. And that's the account
18 number that starts with three zeros; correct?

19 MS. KUBIAK: That is correct, for Nannette Jergons.

20 JUDGE DUNDERDALE: I think there was a question that
21 was put out by Ms. Jergons for Ms. Jackson. Ms. Jackson,
22 were you able to come up with an answer?

23 THE WITNESS: I believe that I didn't put just the
24 answer. I just read it. There were late payment charges
25 for those dates that are stated.

1 JUDGE DUNDERDALE: That's referring to Apartment B;
2 right, Ms. Jackson?

3 THE WITNESS: Correct.

4 JUDGE DUNDERDALE: Do you have any other questions
5 for this witness, Mrs. Jergons?

6 MS. JERGONS: Well, as I stated before, Nannette does
7 all checks and does all the accounts for Duquesne Light and
8 writes our checks out for us. None of them were late. She
9 has never been late either. I'm looking at her account
10 right in front of me. She has never been late either.

11 JUDGE DUNDERDALE: Actually, they acknowledge that
12 your daughter has never been late on her account on
13 Apartment A. They're simply indicating there were four
14 times in the last four some odd years that you and your
15 husband's payment might have been late.

16 MS. JERGONS: The dates that she has on there for it
17 to be late is March 9th, 2009, and January 8th of 2009,
18 December 8th, 2008, and July 9th of 2008. My daughter sends
19 out her checks the exact same day she sends out our checks.
20 That's why I was disputing the late charges.

21 JUDGE DUNDERDALE: Okay. Except these late charges
22 are after we had the meter twist; right? I'm sorry. These
23 late charges were before the meter twist; right?

24 MS. JERGONS: Nope.

25 JUDGE DUNDERDALE: Is there a late charge after there

1 was a meter twist in June of 2009?

2 MS. JERGONS: July 9th, December 8th, January 8th,
3 and March 9th.

4 JUDGE DUNDERDALE: Are you talking in 2009?

5 MS. JERGONS: July 9th, December 8th of 2008.

6 JUDGE DUNDERDALE: No. Listen to my question, Mrs.
7 Jergons. Is there a late charge after June of 2009?

8 MS. JERGONS: No.

9 JUDGE DUNDERDALE: So all of these times are going to
10 predate when there was a meter twist; right?

11 MS. JERGONS: Yes.

12 JUDGE DUNDERDALE: I'm going to limit us to kind of
13 talking about that meter twist date because that's an
14 important date for your complaint. Did you have another
15 question for Ms. Jackson?

16 MS. JERGONS: Just the same question that you asked,
17 Your Honor, is Duquesne Light is not out one cent on her
18 account or on my account at all. Does she agree to that?

19 JUDGE DUNDERDALE: Ms. Jackson, would you agree with
20 that statement?

21 THE WITNESS: I would agree.

22 JUDGE DUNDERDALE: Is that all the questions for Ms.
23 Jackson, Ms. Jergons?

24 MS. JERGONS: Yes, Your Honor.

25 JUDGE DUNDERDALE: Are you done with your questions,

1 Ms. Kubiak?

2 MS. KUBIAK: Yes, Your Honor.

3 JUDGE DUNDERDALE: Let me just deal with the last
4 issue, which is the exhibits that came in from Mrs. Jergons.
5 Mrs. Jergons, you want me to consider all of those; right?

6 MS. JERGONS: Yes, I do, Your Honor.

7 JUDGE DUNDERDALE: Is there any objection from you,
8 Ms. Kubiak, if I admit that in?

9 MS. KUBIAK: No, Your Honor.

10 JUDGE DUNDERDALE: I'm going to mark the whole
11 facsimile as Complainant's Exhibit 1 just so that you all
12 know we're all on the same page.

13 (Whereupon, the document was marked as Complainant's
14 Exhibit No. 1 for identification and was received in
15 evidence.)

16 JUDGE DUNDERDALE: This is the time where I normally
17 would ask the parties to give me a final statement. Because
18 the complainant -- that's you, Mrs. Jergons -- because you
19 have the burden of proof I'm going to ask Duquesne Light to
20 go first and give me their final statement.

21 So, Ms. Kubiak, do you want to give a final
22 statement, please.

23 MS. KUBIAK: Yes, Your Honor. This case comes to us
24 not as a high bill complaint but as a complaint about the
25 meter twist and the rebilling that followed the meter twist.

1 Again, Duquesne Light did investigate this promptly and
2 reasonably as soon as they discovered that there was a
3 problem.

4 They also communicated the problem to the ratepayers
5 that were at issue and rebilled the account with the proper
6 kilowatt usage so that the parties are only responsible for
7 the kilowatt usage that they actually used.

8 Furthermore, the evidence shows that the Jergons
9 actually received a benefit through this because for years
10 they were paying not their regular usage but the lower usage
11 amounts that were coming from the other apartment, and
12 Nannette Jergons was given a credit so that she was actually
13 paying for the actual amount that she was using and not the
14 inflated prices.

15 These meter twists certainly are unfortunate, but
16 under the PUC regulations Duquesne Light Company is allowed
17 to go back and rebill for mistakes that were made and
18 improper meter billing.

19 Thank you, Your Honor.

20 JUDGE DUNDERDALE: Mrs. Jergons, let me turn to you
21 and ask if you have a final statement. Mrs. Jergons?

22 MS. JERGONS: Like I said, my husband is disabled,
23 he's retired. We are on a fixed income. I don't feel we
24 should have to pay for the mistakes they have made.

25 JUDGE DUNDERDALE: Mrs. Jergons?

1 MS. JERGONS: Yes.

2 JUDGE DUNDERDALE: I'm sorry. I didn't know whether
3 you stopped talking or you just cut out.

4 MS. JERGONS: I stopped talking.

5 JUDGE DUNDERDALE: Are you done?

6 MS. JERGONS: As far as Nannette asking for them to
7 cut a check, she did request one and they didn't give her
8 one.

9 JUDGE DUNDERDALE: Anything else?

10 MS. JERGONS: That's it, Your Honor.

11 JUDGE DUNDERDALE: Okay. At this point let me
12 explain to the parties what I'm going to do. In
13 approximately a month I'm going to get the transcript from
14 the court reporting service.

15 At that time I will send a letter to the parties just
16 telling you that I have received it. At that point I will
17 close the hearing record and then a decision will be issued
18 within 90 days from that date.

19 Any questions about the process we're going to use at
20 this point?

21 MS. KUBIAK: No, Your Honor.

22 JUDGE DUNDERDALE: In that case, let me thank all the
23 parties for taking the time. I know it's been a long time,
24 an hour and a half, but we're going to go ahead and finish
25 up now. The time now is 11:30 a.m. Thank you all.

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MS. KUBIAK: Thank you, Your Honor.

(Whereupon, at 11:30 a.m., the hearing was
adjourned.)

- - -

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.

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Penn Hills Twp., Allegheny County
My Commission Expires July 26, 2014
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