

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

JAMES DOHERTY :
 :
 V. : DOCKET NO. C-2008-2040669
 :
 :
 PECO ENERGY COMPANY :
 :

**COMPLAINANT’S STIPULATION OF FACTS
AS PRESENTED TO PUC MEDIATOR**

1. Mediation between the parties followed the August 11, 2008 order and ended on May 26, 2009.
2. PECO account 71027-79052 (2424 Delchester Drive 19083) was analyzed from October 18, 2007 to December 4, 2008 or 433 days for justification of shut offs of 87 days (see January 6, 2009 letter detailing the charges and payments on the account: .Exhibit “A”)

Utility service including shut offs of 56 days and a second thirty day plus Service from October 18, 2007 to December 4, 2008 (433 days an outage rate of 21.1%)						
12/4/2008	ELECTRIC SERVICE	9.33		GAS SERVICE	203.83	\$213.16
11/3/2008	ELECTRIC SERVICE	12.11		GAS SERVICE	83.49	\$95.60
10/3/2008	ELECTRIC SERVICE	\$8.00		GAS SERVICE	23.06	\$31.06
9/5/2008	ELECTRIC SERVICE			GAS SERVICE		\$0.00
8/5/2008	ELECTRIC SERVICE	\$17.84		GAS SERVICE	25.65	\$43.49
7/3/08	ELECTRIC SERVICE	\$5.07	7/3/08	GAS SERVICE	\$23.96	\$29.03
6/4/08	ELECTRIC SERVICE	\$47.49	6/4/08	GAS SERVICE	\$76.51	\$124.00
5/5/08	ELECTRIC SERVICE	\$58.34	5/5/08	GAS SERVICE	\$137.42	\$195.76
4/7/08	ELECTRIC SERVICE	\$51.15	4/7/08	GAS SERVICE	\$306.50	\$357.65
3/7/08	ELECTRIC SERVICE	\$48.80	3/7/08	GAS SERVICE	\$345.65	\$394.45
2/7/08	ELECTRIC SERVICE	\$42.06	2/7/08	GAS SERVICE	\$361.96	\$404.02
1/8/08	ELECTRIC SERVICE	\$34.62	1/8/08	GAS SERVICE	\$299.43	\$334.05
12/5/07	ELECTRIC SERVICE	\$40.40	12/5/07	GAS SERVICE	\$280.96	\$321.36
11/1/07	ELECTRIC SERVICE	\$26.37	11/1/07	GAS SERVICE	\$33.82	\$60.19
						\$2,603.82

Nine payments			
9	01/05/09	Payment	\$213.16
8	11/17/08	Payment	\$64.54
7	11/10/08	Payment	\$31.06
6	8/20/08	Payment	\$324.84
5	7/22/08	Payment	\$29.03
4	7/10/08	Payment	\$124.00
3	5/14/08	Payment	\$553.41
2	2/20/08	Payment	\$283.06
1	1/24/08	Payment	\$1,059.20
		Payment Total	\$2,682.30

3. The PECO Energy Company response to the January 6, 2009 letter to the mediator was dated May 12, 2009 and can be found at Exhibit "B"
4. Payments of \$83,898.90 to PECO starting on July 22, 2008 were made as follows:

	Transaction Type	Date	Account Type	Description	Reference No.	Debits	
1	DEBIT	7/22/2008	Checking	PECO	UTILBIL	\$553.00	
2	DEBIT	7/24/2008	Checking	PECO	UTILBIL	\$190.36	
3	POS DEBIT	7/25/2008	Checking	PECO PA	Philadelphia	\$572.18	
4	DEBIT	7/28/2008	Checking	PECO	UTILBIL	\$276.00	
5	DEBIT	7/30/2008	Checking	PECO	UTILBIL	\$440.00	
6	DEBIT	8/22/2008	Checking	PECO	UTILBIL	\$553.00	
7	DEBIT	9/26/2008	Checking	PECO	UTILBIL	\$341.50	
8	DEBIT	9/29/2008	Checking	PECO	UTILBIL	\$552.00	
9	DEBIT	9/29/2008	Checking	PECO	UTILBIL	\$880.00	
10	DEBIT	10/22/2008	Checking	PECOENERGY UTIL_BIL		\$980.00	
11	DEBIT	10/27/2008	Checking	PECOENERGY UTIL_BIL		\$157.03	
12	DEBIT	10/28/2008	Checking	PECOENERGY UTIL_BIL		\$276.00	
13	DEBIT	10/28/2008	Checking	PECOENERGY UTIL_BIL		\$375.00	
14	DEBIT	11/20/2008	Checking	PECOENERGY		\$490.00	

	Transaction Type	Date	Account Type	Description	Reference No.	Debits	
				UTIL_BIL			
15	DEBIT	11/24/2008	Checking	PECOENERGY UTIL_BIL		\$293.72	
16	DEBIT	11/26/2008	Checking	PECOENERGY UTIL_BIL		\$276.00	
17	DEBIT	11/26/2008	Checking	PECOENERGY UTIL_BIL		\$375.00	
18	DEBIT	12/23/2008	Checking	PECOENERGY UTIL_BIL		\$490.00	
19	DEBIT	12/26/2008	Checking	PECOENERGY UTIL_BIL		\$981.08	
20	DEBIT	12/29/2008	Checking	PECOENERGY UTIL_BIL		\$276.00	
21	DEBIT	12/29/2008	Checking	PECOENERGY UTIL_BIL		\$375.00	\$9,702.87
22	DEBIT	1/27/2009	Checking	PECOENERGY UTIL_BIL		\$490.00	
23	DEBIT	1/29/2009	Checking	PECOENERGY UTIL_BIL		\$1,168.27	
24	DEBIT	1/30/2009	Checking	PECOENERGY UTIL_BIL		\$226.00	
25	DEBIT	1/30/2009	Checking	PECOENERGY UTIL_BIL		\$375.00	
26	DEBIT	2/27/2009	Checking	PECOENERGY UTIL_BIL		\$599.23	
27	DEBIT	3/3/2009	Checking	PECOENERGY UTIL_BIL		\$84.00	\$2,942.50
28							
29	CHECK	7/10/2008	Checking	PECO	2012	\$42.30	
30	CHECK	7/10/2008	Checking	PECO	2013	\$41.40	
31	CHECK	7/10/2008	Checking	PECO	2014	\$30.80	
32	CHECK	7/10/2008	Checking	PECO	2015	\$70.24	
33	CHECK	7/10/2008	Checking	PECO	2016	\$124.00	
34	CHECK	7/10/2008	Checking	PECO	2017	\$26.02	
35	CHECK	7/10/2008	Checking	PECO	2018	\$73.07	
36	CHECK	7/10/2008	Checking	PECO	2019	\$52.21	
37	CHECK	7/11/2008	Checking	PECO	1730	\$71.69	
38	CHECK	7/11/2008	Checking	PECO	2020	\$100.00	
39	CHECK	7/11/2008	Checking	PECO	2021	\$111.21	
40	CHECK	7/11/2008	Checking	PECO	2022	\$42.68	

	Transaction Type	Date	Account Type	Description	Reference No.	Debits	
41	CHECK	7/22/2008	Checking	PECO	1775	\$29.03	
42	CHECK	7/22/2008	Checking	PECO	1776	\$28.10	
43	CHECK	7/22/2008	Checking	PECO	1777	\$48.50	
44	CHECK	7/22/2008	Checking	PECO	1778	\$35.77	
45	CHECK	7/22/2008	Checking	PECO	1779	\$75.52	
46	CHECK	7/22/2008	Checking	PECO	1780	\$63.56	
47	CHECK	7/22/2008	Checking	PECO	1781	\$31.33	
48	CHECK	8/20/2008	Checking	PECO	1784	\$43.68	
49	CHECK	8/20/2008	Checking	PECO	1785	\$741.59	
50	CHECK	8/20/2008	Checking	PECO	1786	\$324.84	
51	CHECK	8/22/2008	Checking	PECO	1787	\$183.98	
52	CHECK	8/22/2008	Checking	PECO	5595	\$15,000.00	
53	CHECK	9/11/2008	Checking	PECO	1791	\$117.34	
54	CHECK	9/11/2008	Checking	PECO	1792	\$19.00	
55	CHECK	9/11/2008	Checking	PECO	1793	\$37.47	
56	CHECK	10/16/2008	Checking	PECO	1862	\$121.11	
57	CHECK	10/16/2008	Checking	PECO	1863	\$31.39	
58	CHECK	10/16/2008	Checking	PECO	1864	\$41.73	
59	CHECK	10/16/2008	Checking	PECO	1865	\$78.68	
60	CHECK	10/16/2008	Checking	PECO	1866	\$54.43	
61	CHECK	10/16/2008	Checking	PECO	1867	\$24.90	
62	CHECK	10/16/2008	Checking	PECO	1869	\$29.00	
63	CHECK	10/16/2008	Checking	PECO	1870	\$47.47	
64	CHECK	10/17/2008	Checking	PECO	1868	\$75.00	
65	CHECK	11/10/2008	Checking	PECO	1871	\$31.06	
66	CHECK	11/17/2008	Checking	PECO	1811	\$64.54	
67	CHECK	11/17/2008	Checking	PECO	1812	\$18.77	
68	CHECK	11/17/2008	Checking	PECO	1813	\$51.14	
69	CHECK	11/17/2008	Checking	PECO	1814	\$37.01	
70	CHECK	11/17/2008	Checking	PECO	1815	\$44.82	
71	CHECK	11/17/2008	Checking	PECO	1816	\$117.60	
72	CHECK	11/17/2008	Checking	PECO	1817	\$95.80	
73	CHECK	11/17/2008	Checking	PECO	1818	\$38.23	
74	CHECK	11/17/2008	Checking	PECO	1819	\$166.22	
75	CHECK	11/28/2008	Checking	PECO	1821	\$194.38	

	Transaction Type	Date	Account Type	Description	Reference No.	Debits	
76	CHECK	12/31/2008	Checking	PECO	1823	\$253.86	
77	CHECK	12/31/2008	Checking	PECO	1824	\$256.73	
78	CHECK	12/31/2008	Checking	PECO	1825	\$175.66	
79	CHECK	12/31/2008	Checking	PECO	1827	\$133.90	
80	CHECK	12/31/2008	Checking	PECO	1828	\$24.23	
81	CHECK	12/31/2008	Checking	PECO	1829	\$300.00	\$20,072.99
82	CHECK	1/5/2009	Checking	PECO	1822	\$82.49	
83	CHECK	1/5/2009	Checking	PECO	1826	\$213.16	
84	CHECK	2/6/2009	Checking	PECO	1830	\$5,318.30	
85	CHECK	3/9/2009	Checking	PECO	2091	\$16,000.00	
86	CHECK	3/9/2009	Checking	PECO	2092	\$16,000.00	
87	CHECK	3/13/2009	Checking	PECO	5620	\$2,799.95	
88	CHECK	3/20/2009	Checking	PECO	2171	\$6,005.83	
89	CHECK	5/6/2009	Checking	PECO	1832	\$4,760.81	\$51,180.54
90						\$83,898.90	\$83,898.90

Usage for the period of

	gas		12/1/2008	11/12/2008	10/1/2008	9/1/2008	8/1/2008	7/1/2008	total
1	640 Lawson 19083	15425-00103	\$540.80	\$288.60	\$38.96	\$28.85	\$25.65	\$34.05	\$956.91
2	456 Colfax 19083	30822-13002	\$49.30	\$11.94	\$11.94	\$12.17	\$12.20	\$13.88	\$111.43
3	734 Penfield 19083	33991-85037	\$19.02	\$22.77	\$21.08	\$27.02	\$28.97	\$28.97	\$147.83
4	303 Grayling 19072	46238-56024	\$23.06	\$35.79		\$18.34	\$25.65	\$30.69	\$133.53
5	100 Sabine 19072	49329-01509	\$911.04	\$240.00	\$101.85	\$88.41	\$95.54	\$110.53	\$1,547.37
6	25 W. Wilmot – W 19083	55593-75062	\$51.98	\$21.08	\$19.38	\$18.22	\$18.29	\$21.84	\$150.79
7	1118 Allston – W 19083	46338-25004		\$5.73					\$5.73
8	701 Penfield 19083	58734-87010	\$213.49	\$86.67	\$27.83	\$27.18	\$23.96	\$29.00	\$408.13
9	519 W. Montgomery 19041	61725-01309	\$72.32	\$60.83	\$70.98	\$73.83	\$70.56	\$73.79	\$422.31
10	256 W. Montgomery 19041	64818-61005							\$0.00
11	722 Lawson – K-1 19083	64918-83004	\$163.84	\$61.23	\$24.67	\$25.52	\$25.65	\$25.65	\$326.56
12	722 Lawson – K-1 19083	68010-80004	\$24.23	\$24.67	\$24.67	\$23.84	\$23.96	\$25.65	\$147.02
13	2424 Delchester 19083	71027-79052	\$203.83	\$83.49	\$23.06	\$23.87	\$25.65	\$23.96	\$383.86
14	321 N. Narberth 19072	74068-02002	\$789.34	\$380.28		\$50.87	\$47.33	\$52.68	\$1,320.50
15	755 Lawson 19083	92743-52018	\$118.85	\$19.88	\$16.70	\$17.18	\$17.25	\$18.91	\$208.77
	electric								
1	640 Lawson 19083	15425-00103	\$173.96	\$158.26	\$182.64	\$175.17	\$281.48	\$297.73	\$1,269.24
2	456 Colfax 19083	30822-13002	\$34.12	\$6.83	\$6.67	\$6.83	\$9.90	\$14.32	\$78.67
3	734 Penfield 19083	33991-85037	\$93.11	\$14.24	\$16.28	\$14.71	\$21.10	\$19.53	\$178.97
4	303 Grayling 19072	46238-56024	\$53.51	\$15.35		\$11.68	\$11.82	\$12.99	\$105.35
5	100 Sabine 19072	49329-01509	\$70.04	\$53.72	\$55.18	\$69.59	\$87.96	\$79.83	\$416.32
6	25 W. Wilmot – W 19083	55593-75062	\$24.51	\$23.74	\$12.70	\$13.17	\$13.48	\$13.92	\$101.52
7	1118 Allston – W 19083	46338-25004		\$4.50					\$4.50
8	701 Penfield 19083	58734-87010	\$32.37	\$31.93	\$34.56	\$51.50	\$37.34	\$46.34	\$234.04
9	519 W. Montgomery 19041	61725-01309	\$135.23	\$67.75	\$47.92	\$48.24	\$69.90	\$115.10	\$484.14
10	256 W. Montgomery 19041	64818-61005	\$257.73	\$166.22	\$121.11	\$117.34	\$120.86	\$111.21	\$894.47

PECO usage for ten months starting 2008JUL01 of \$34,222.38 and payments by EFT and checks of \$83,898.90

	gas		12/1/2008	11/122008	10/1/2008	9/1/2008	8/1/2008	7/1/2008	total
11	722 Lawson – K-1 19083	64918-83004	\$11.82	\$9.90	\$8.59	\$5.07	\$8.59	\$12.26	\$56.23
12	722 Lawson – K-1 19083	68010-80004							\$0.00
13	2424 Delchester 19083	71027-79052	\$9.33	\$12.11	\$8.00	\$15.35	\$17.84	\$5.07	\$67.70
14	321 N. Narberth 19072	74068-02002	\$38.93	\$34.75		\$36.91	\$39.29	\$42.63	\$192.51
15	755 Lawson 19083	92743-52018	\$15.05	\$15.35	\$10.06	\$7.72	\$6.10	\$12.42	\$66.70
			\$4,130.81	\$1,957.61	\$884.83	\$1,008.58	\$1,166.32	\$1,272.95	\$10,421.10

	gas		Jan-09	Feb-09	Mar-09	Apr-09	total
1	640 Lawson 19083	15425-00103	\$690.49	\$883.94	\$588.72	\$362.51	\$2,525.66
2	456 Colfax 19083	30822-13002	\$97.84	\$152.84	\$95.57	\$27.92	\$374.17
3	734 Penfield 19083	33991-85037	\$152.95	\$38.37	\$19.85	\$46.50	\$257.67
4	303 Grayling 19072	46238-56024	\$25.36	\$137.62	\$181.19	\$79.40	\$423.57
5	100 Sabine 19072	49329-01509	\$1,088.05	\$1,685.78	\$1,153.14	\$643.76	\$4,570.73
6	25 W. Wilmot – W 19083	55593-75062	\$95.70	\$160.56	\$73.53	\$27.00	\$356.79
7	1118 Allston – W 19083	46338-25004	\$453.80	\$470.11	\$269.11	\$128.43	\$1,321.45
8	701 Penfield 19083	58734-87010	\$291.65	\$388.74	\$234.48	\$117.40	\$1,032.27
9	519 W. Montgomery 19041	61725-01309	\$63.94	\$206.62	\$539.15	\$307.55	\$1,117.26
10	256 W. Montgomery 19041	64818-61005					\$0.00
11	722 Lawson – K-1 19083	64918-83004	\$230.20	\$299.06	\$197.20	\$85.52	\$811.98
12	722 Lawson – K-1 19083	68010-80004	\$31.42	\$56.29	\$26.74	\$25.47	\$139.92
13	2424 Delchester 19083	71027-79052	\$276.62	\$394.24	\$300.15	\$118.62	\$1,089.63
14	321 N. Narberth 19072	74068-02002	\$1,056.31	\$1,392.01	\$1,102.07	\$727.76	\$4,278.15
15	755 Lawson 19083	92743-52018	\$177.89	\$252.16	\$239.82	\$79.40	\$749.27
16	117 Merion 19072	40048-72006			\$201.66	\$132.10	\$333.76
	electric						\$0.00
1	640 Lawson 19083	15425-00103	\$175.44	\$156.31	\$135.71	\$140.74	\$608.20
2	456 Colfax 19083	30822-13002	\$67.44	\$61.23	\$63.05	\$58.85	\$250.57
3	734 Penfield 19083	33991-85037	\$65.90	\$174.19	\$181.58	\$43.37	\$465.04
4	303 Grayling 19072	46238-56024	\$98.84	\$109.16	\$57.23	\$57.52	\$322.75
5	100 Sabine 19072	49329-01509	\$80.22	\$81.72	\$54.40	\$44.55	\$260.89
6	25 W. Wilmot – W 19083	55593-75062	\$19.23	\$24.82	\$15.37	\$10.50	\$69.92
7	1118 Allston – W 19083	46338-25004	\$33.97	\$14.50	\$14.20	\$8.70	\$71.37
8	701 Penfield 19083	58734-87010	\$35.30	\$40.10	\$32.13	\$31.82	\$63.95
9	519 W. Montgomery 19041	61725-01309	\$175.10	\$188.63	\$168.83	\$111.27	\$643.83
10	256 W. Montgomery 19041	64818-61005	\$246.50	\$260.47	\$249.89	\$242.94	\$999.80
11	722 Lawson – K-1 19083	64918-83004	\$14.32	\$15.54	\$13.02	\$10.50	\$53.38
12	722 Lawson – K-1 19083	68010-80004					\$0.00
13	2424 Delchester 19083	71027-79052	\$10.49	\$14.64	\$12.12	\$6.94	\$44.19
14	321 N. Narberth 19072	74068-02002	\$44.74	\$53.97	\$51.76	\$42.70	\$193.17
15	755 Lawson 19083	92743-52018	\$10.21	\$121.76	\$137.34	\$73.55	\$342.86
16	117 Merion 19072	40048-72006			\$12.51	\$16.57	\$29.08
			\$5,809.92	\$7,835.38	\$6,421.52	\$3,809.86	\$23,801.28

5. PECO currently touts a plan to pay 6% interest on advanced utility payments:



June 2009

Earn 6% interest from PECO to help you prepare

PECO is offering a new payment option to help customers prepare for the end of rate caps on January 1, 2011.

For the last several years, the wholesale cost of power has increased. PECO customers have not had to pay those increased costs because prices were capped during this time.

We don't know the exact amount of any increase at this time, and wholesale prices have moderated recently. Currently, however, we estimate that the increase could be up to 20 percent for PECO's residential, small and large business customers.

We understand increases to your energy bill can be difficult, especially in today's economy. We want to do everything we can to help our customers. That is why we are offering an Early Phase-In payment option. This program is available to business customers with peak loads less than 500 kilowatts.

With the Early Phase-In program, you can choose to **spread out any increase** by making advance payments in 2009 and 2010. **PECO will pay you 6 percent interest** on your payments. Your advance payments, plus the 6 percent interest paid by PECO, will be applied to your account beginning January 2011 to **help you offset any higher prices**.

The actual amount of your Early Phase-In payments and credits will depend on your current electric rate and average monthly energy use for the past year.

Some important things to know about the program

- It is voluntary – you do not have to enroll in the program.
- If you decide to leave the program, you can do so at any time and receive a full credit, with interest.
- If you participate in Early Phase-In, you can still choose a retail energy supplier through Pennsylvania's Electric Choice program.
- Participation in the program also will not affect your price to compare – the price you would use to compare offers from other electricity suppliers.

Here is how the program works

Rate GS business customers participating in the Early Phase-In program will pay an additional \$0.0030 per kilowatt-hour (kWh) of energy use beginning in July 2009 and an additional \$0.0061 per kWh of energy use beginning in January 2010. These payments, plus the 6 percent interest paid by PECO, will be applied to your account beginning January 2011.

The chart below provides an example of the monthly Early Phase-In charges and credits for a commercial Rate GS customer using 5,000 kWhs per month. Your rate and actual monthly electric usage can be found on your PECO bill.

In this example, the total amount of Early Phase-In charges is \$456 and the total amount of Early Phase-In credits is \$498.12.

2009 Monthly Early Phase-In Charge \$15.00	2010 Monthly Early Phase-In Charge \$30.50	2011 Monthly – Early Phase-In Credit (\$27.68)	2012 Monthly Early Phase-In Credit (\$13.83)
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more ...

How to sign up

To get the most benefit from Early Phase-In, the best time to enroll is now.

You can sign up in one of two ways:

- Return the completed tear off portion at the bottom of this letter along with your monthly payment
- Call the telephone number located on your bill

You also can save money, and help the environment, by using less energy. To learn more, visit www.peco.com/save.



The average increase for the GS class in 2011 is anticipated to be 12 percent. For customers whose monthly usage falls below the class average of 4,700 kilowatt-hours (kWh), it is likely – but not certain – that their increase will be less than the class average. Customers whose monthly usage is greater than the class average of 4,700 kWh, it is likely – but not certain – that their increase will be greater than the class average. While all customers may benefit from the Early Phase-In option, those customers who anticipate a larger than class average increase may find the program of greater benefit. Your usage for the prior month is shown on this month's bill. If you have questions about your historic usage patterns, or want more information about the Early Phase-In option, please call the number located on your bill.

Early Phase-In Option

- Yes, please sign me up for PECO's Early Phase-In option.
I understand that my payments will begin with my July 2009 electric bill.

Name on Account _____

Telephone Number _____

Account Number _____

Signature _____ Date _____

Please detach and return in the enclosed envelope along with your monthly payment.



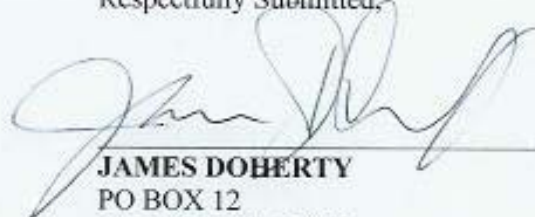
PEC PEC 2009 06A09
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www.peco.com

6. Utility payments to Aqua American for water service as paid in advance for 2009 based on 2008 usage comprises Exhibit "C."

WHEREFORE, James Doherty requests that that this Stipulation of Fact be made part of the record in this proceeding.

Respectfully Submitted,



JAMES DOHERTY
PO BOX 12
Haverford, PA 19041

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

JAMES DOHERTY

V.

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:

DOCKET NO. C-2008-2040669


PECO ENERGY COMPANY

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VERIFICATION

I, James Doherty, hereby declare that I am the Complainant in this matter; that the facts set forth in the Stipulation of Fact are true to the best of my knowledge, information and belief, and that I make this verification subject to the penalties of Pa. C. S. Section 4904 pertaining to false statements to authorities.

Date: June 16, 2009



JAMES DOHERTY
PO BOX 12
Haverford, PA 19041

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PECO ENERGY COMPANY

DOCKET NO. C-2008-2040669

CERTIFICATE OF SERVICE

I, James Doherty, hereby certify that I have this day mailed three copies to the

Honorable Ky Van Nguyen
Administrative Law Judge
PA Public Utility Commission
1302 State Office Building
1400 Spring Garden Street
Philadelphia, PA 19130

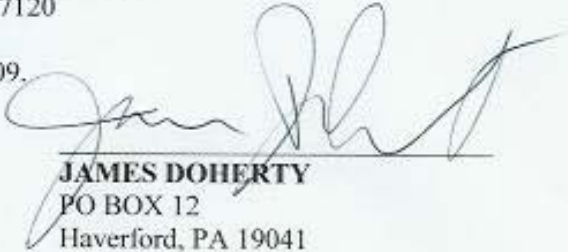
and served a copy to PECO Energy Company by mailing a copy to

Tisheka Williams, Esquire
Exelon Business Services Company
2301 Market Street S23-1
PO Box 8699
Philadelphia, PA 19101-8699.

and served a copy to the mediator by mailing a copy to

Mr. Herbert R. Nurick, Esquire hnurick@state.pa.us
Mediation Coordinator 717-783-5428
Pennsylvania Public Utility Commission
400 North Street, Second Floor
Harrisburg, PA 17120

Dated at Haverford, Pennsylvania, June 16, 2009.


JAMES DOHERTY
PO BOX 12
Haverford, PA 19041

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

James Doherty

v.

PECO Energy Company

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⋮
⋮
⋮

C-2008-2040669

PREHEARING ORDER

An initial telephonic hearing in this case is scheduled for Thursday, July 23, 2009 at 10:00 a.m. The parties are hereby directed to comply with the following requirements:

1. If you intend to present any documents or exhibits for my consideration, you must send one (1) copy to the other party and three (3) copies to me one week before the hearing. Be sure that you serve me directly with a copy of any documents that you file in this proceeding at the time of filing. If you send me any letters or documents, you must send a copy to all other parties. For your convenience, a copy of the Commission's current service list of the parties is attached to this Order. My address appears in numbered paragraph 3 below.

2. If you or any proposed witness will be at a telephone number that is different from the number on the hearing notice, you must notify me of that telephone number at least one (1) week before the hearing.

3. A request for a change of the scheduled hearing date must be submitted in writing no later than five (5) days prior to the hearing. 52 Pa. Code §1.15(b). A request for a change of initial or subsequent hearings must be sent to the Administrative Law Judge, with copies to all parties of record. My address is: Administrative Law Judge Ky Van Nguyen, Pennsylvania Public Utility Commission, 1302 Philadelphia State Office Building, 1400 West Spring Garden Street, Philadelphia, PA 19130. Such a change is granted only in a rare situation where good cause exists.

4. YOU MAY LOSE THIS CASE IF YOU DO NOT TAKE PART IN THIS HEARING AND PRESENT EVIDENCE ON THE ISSUES RAISED.

5. ALTHOUGH THIS HEARING IS BEING CONDUCTED TELEPHONICALLY FOR THE CONVENIENCE OF THE PARTIES, IT IS STILL A FORMAL HEARING AND WILL BE CONDUCTED IN ACCORDANCE WITH THE COMMISSION'S RULES OF PRACTICE AND PROCEDURE.

6. Under 52 Pa. Code §§1.21 & 1.22, you may represent yourself, if you are an individual, or you may have an attorney represent you. However, if you are a partnership, corporation, trust, association or governmental agency or subdivision, you must have an attorney represent you in this proceeding. Unless you are an attorney, you may not represent someone else. Any attorney representing a party in this proceeding must enter an appearance in accordance with the Commission regulations at 52 Pa. Code §§1.24-.25.

7. The customer-complainant bears the burden of proof in this proceeding and must show by a preponderance of the evidence that the respondent has violated the Public Utility Code or a Pennsylvania Public Utility Commission regulation or order so that the complainant is entitled to the relief requested in the complaint.

8. If you intend to subpoena witnesses for the hearing, you should review the procedures established in 52 Pa. Code §5.421. You must submit your written application to me sufficiently in advance of the hearing date so that the other parties will have the required ten (10) days' notice to answer or object, and you to receive the subpoena and serve it.

9. Any party may conduct discovery to learn the factual basis of another party's position in this case. However, 52 Pa. Code §5.331(b) provides that "[a] participant shall endeavor to initiate discovery as early in the proceedings as reasonably possible." In addition, 52 Pa. Code §5.322 provides that "participants are encouraged to exchange information on an informal basis." All parties are urged to cooperate in informal information exchanges and in conducting discovery. Cooperation is preferable to disagreements, which require my participation to resolve. There are limitations on discovery (52 Pa. Code §5.361) and sanctions for abuse of the discovery process (52 Pa. Code §§5.371-.372).

10. The Commission encourages settlements. 52 Pa. Code §5.231(a). Therefore, you are urged to discuss informally between yourselves the possible settlement of this case at least one (1) week before the hearing. If you are unable to settle this case, you may still resolve as many questions or issues as possible during your informal discussion.

Date: May 26, 2009


Ky Van Nguyen
Administrative Law Judge

James Doherty v. PECO Energy Company
Docket Number C-2008-2040669

SERVICE LIST

James Doherty
P.O. Box 12
Haverford, PA 19041-0012

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Philadelphia, PA 19101-8699

FORM UG9D-12 50M (REV. 04/03)
COMMONWEALTH OF PENNSYLVANIA

PA PUBLIC UTILITY COMMISSION
Administrative Law Judge
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1400 W. Spring Garden Streets
Philadelphia, PA 19130



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