

Legal Department

Exelon Business Services Company
2301 Market Street/S23-1
P.O. Box 8699
Philadelphia, PA 19101-8699

Telephone 215.841.4000
Fax 215.568.3389
www.exeloncorp.com

Business Services
Company

Direct Dial: 215.841.5358

January 29, 2010

James McNulty, Secretary
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
400 North Street, Second Floor
Harrisburg, PA 17120

RECEIVED

JAN 29 2010

Re: **John McClain v. PECO Energy Company**
PUC Docket No. F-2009-2146821

PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

Dear Mr. McNulty:

Enclosed for filing with the Commission are the following documents and copies in the matter referenced above.

___	Answer (Original and 3 copies)
___	Motion to Consolidate (original and 3 copies)
___	Motion for Judgment on the Pleadings (original and 3 copies)
<u> X </u>	Preliminary Objection (original and 3 copies)
___	Exceptions (original and 9 copies)
___	Reply Exceptions (original and 9 copies)
___	Brief (original and 9 copies)
___	Reply Brief (original and 9 copies)

I have enclosed a Certificate of Service showing that a copy of the above document was served on the interested parties. Also enclosed is an extra copy of this letter, which I request that you date stamp and return to me in the envelope provided as proof of filing. Thank you for your time and attention on this matter.

Very truly yours,



Ken Massey
Counsel for PECO Energy Company

KM/adz
Enc.

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

JOHN MCCLAIN

v.

PECO ENERGY COMPANY

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DOCKET NO. F-2009-2146821

NOTICE TO PLEAD

Pursuant to 52 Pa. Code §§ 5.102, you are hereby notified that, if you do not file a written response denying or correcting the enclosed Motion of PECO Energy Company, within 20 days from service of this notice, a ruling may be entered against you. All pleadings, such as a Reply to Motions, must be filed with the Secretary of the Pennsylvania Public Utility Commission, with a copy served to counsel for PECO Energy Company, Tishekia Williams, and where applicable, the Administrative Law Judge presiding over the issue.

File with:

James J. McNulty, Secretary
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
400 North Street, Second Floor
Harrisburg, PA 17120

With a copy to:

Ken Massey, Esq.
PECO Energy Company
2301 Market Street, S-23
Philadelphia, PA 19103

Dated at Philadelphia, PA, January 29, 2010.



Ken Massey
Counsel for PECO Energy Company
2301 Market Street, S23-1
P.O. Box 8699
Philadelphia, PA 19101-8699
(215) 841-5358
Fax: 215.568.3389

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PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

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JAN 29 2010

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

JOHN MCCLAIN

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v.

DOCKET NO. F-2009-2146821

PECO ENERGY COMPANY

**PRELIMINARY OBJECTION OF PECO ENERGY COMPANY
FOR THE PENDENCY OF A PRIOR PROCEEDING**

Respondent, PECO Energy Company ("PECO Energy"), pursuant to 52 Pa. Code § 5.101(a)(6) respectfully petitions this Honorable Commission to dismiss the instant Complaint due to the pendency of a prior proceeding.

1. On November 24, 2009, Complainant filed a Formal Complaint with the Pennsylvania Public Utility Commission ("PUC") at Docket Number C-2009-2143613.
2. Complainant disputes PECO's billing of his gas service. A copy of the Complaint is attached as Exhibit 1.
3. Pursuant to 52 Pa. Code § 5.101(b), PECO timely filed an Answer to the Complaint on December 11, 2009. A copy is attached as Exhibit 2.
4. A hearing has not yet been scheduled for Docket Number C-2009-2143613.
5. On December 11, 2009, Complainant filed a duplicate complaint disputing the same issues at Docket Number F-2009-2126579. A copy of that Complaint is attached as Exhibit 3.
6. As best as PECO can tell, Complainant filed the exact same complaint twice.
7. The current Complaint (Docket No. F-2009-2126579) should be dismissed in its entirety pursuant to 52 Pa. Code § 5.101 (a)(6) because the parties are contesting the same issues pursuant to Complainant's prior Complaint (Docket No. C-2009-2143613).

8. PECO avers that the instant Complaint should be dismissed to save the time, resources and the expense of the parties and the Commission.

WHEREFORE, PECO Energy Company respectfully requests that this Honorable Commission issue an Order dismissing the Complaint in Docket Number F-2009-2126579 because of the pendency of an identical proceeding.

Respectfully Submitted,



Ken Massey
Counsel for PECO Energy Company
2301 Market Street, S23-1
P.O. Box 8699
Philadelphia, PA 19101-8699
(215) 841-5358
Fax: 215.568.3389

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JAN 29 2010

PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

JOHN MCCLAIN

v.

PECO ENERGY COMPANY

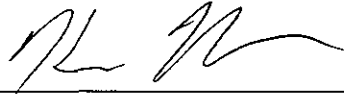
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DOCKET NO. F-2009-2146821

VERIFICATION

I, Ken Massey, hereby declare that I am an attorney representing PECO Energy Company; that as such I am authorized to make this verification on its behalf; that the facts set forth in the foregoing Pleading are true to the best of my knowledge, information and belief, and that I make this verification subject to the penalties of 18 Pa. C.S. §4904 pertaining to false statements to authorities.

Date: January 29, 2010



Ken Massey

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JAN 29 2010

PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

JOHN MCCLAIN

v.

PECO ENERGY COMPANY

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:
:

DOCKET NO. F-2009-2146821

CERTIFICATE OF SERVICE

I hereby certify that I have this day served a copy of PECO Energy Company's Motion to Dismiss in the above matter upon all interested parties by mailing a copy thereof, properly addressed and postage prepaid to:

John McClain
P.O. Box 123
Wynnewood, PA 19072

RECEIVED

JAN 29 2010

PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

Dated at Philadelphia, Pennsylvania, January 29, 2010.



Ken Massey
Counsel for PECO Energy Company
2301 Market Street, S23-1
P.O. Box 8699
Philadelphia, PA 19101-8699
(215) 841-5358
Fax: 215.568.3389



2009-1101
COMMONWEALTH OF PENNSYLVANIA
PENNSYLVANIA PUBLIC UTILITY COMMISSION
P.O. BOX 3265, HARRISBURG, PA 17105-3265

TISHEKIA WILLIAMS
NOV 30 2009
PLEASE
REFER TO OUR FILE

*Due - 12/14
Target - 12/11*

DATE SERVED: November 24, 2009

C-2009-2143613

PECO ENERGY COMPANY
C/O WARD L SMITH
ASSOCIATE GENERAL COUNSEL
PO BOX 8699
PHILADELPHIA PA 19101-8699

Dear Mr. Smith:

A complaint has been filed against you before the Pennsylvania Public Utility Commission by JOHN MCCLAIN. To defend yourself against the claims stated in the following pages, you must act within twenty (20) days by filing in writing with the Commission, either personally or through your attorney, your defenses or objections to the claims stated against you. Or, you may satisfy the complaint by settling the matter with the Complainant and submitting proof of settlement to the Commission within twenty (20) days.

IF YOU FAIL TO RESPOND WITHIN TWENTY (20) DAYS, THE CASE MAY GO FORWARD IN YOUR ABSENCE AND A JUDGEMENT MAY BE ENTERED AGAINST YOU BY THE COMMISSION WITHOUT FURTHER NOTICE.

CUSTOMER OF A UTILITY

A payment schedule may be prescribed or a termination of utility services may be authorized. You may lose money or property or other rights important to you.

COMPANY/UTILITY

An Administrative Law Judge may revoke or suspend any certificate or permit held by you, or impose a fine, or any other appropriate penalty or remedy authorized by the Public Utility Code. You may lose money or property or other rights important to you.

Detailed instructions on how to proceed are contained in the attached pages. You are advised to read them carefully.

peco ex 1

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Formal Complaint Form

Please print in ink or type.

C-2009-2143613

COPY

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2009 NOV 23 AM 9:08
PA. PUBLIC UTILITY COMMISSION
SECRETARY'S OFFICE

1. CUSTOMER (COMPLAINANT) INFORMATION

Your name, mailing address, county, telephone number, utility account number, and service address:

Name John McClain

Street/P.O. Box P.O. Box 123 Apt #

City Wynnewood State PA Zip 19072

County Montgomery

Daytime Telephone Number Where We Can Contact You: (215) 859-3467

E-mail Address (optional): AAA.McClain@AOL

Utility Account Number 27710-01502
(from your bill)

If your complaint involves utility service provided to a different address than your mailing address, please list this information below.

Name John McClain

Street/P.O. Box 905 Black Rock Rd.

City Gladwyn State PA Zip 19035

2. FULL NAME OF UTILITY COMPANY (RESPONDENT):

PECO an Exelon Company

3. TYPE OF UTILITY (check one)

- ELECTRIC
- GAS
- WATER
- TELEPHONE
(local, long distance)
- STEAM HEAT
- WASTE WATER
- MOTOR CARRIER
(e.g., taxi, moving company, limousine)

42214

4. COMPLAINT (check one)

A. In general, what is your complaint?

- I want to oppose the company's proposed rate increase.
- There are incorrect charges on my bill.
- There is a reliability, safety or quality problem with my utility service.
- I received a notice that my utility service is being terminated.
- I would like a payment agreement.
- Other (explain).

B. State the facts of your complaint.

Include any specific dates, times or places that may be important. If the complaint is about a bill, tell us about any charges that you believe are not correct. Use additional paper if you need more space. Provide copies of all relevant documents you believe will support your complaint.

5. RELIEF

How do you want your complaint to be resolved? Use additional paper if you need more space.

On or about July, 2009, Peco at the direction of Tim Farley at the PUC shut off my gas, failed to replace the defective meter, refuses to restore service and has continued to bill for ~~gas~~ non existing gas service. Threaten to disconnect electric unless I paid for non existing gas service on 11/2/09. Disconnected electric service.

9. VERIFICATION AND SIGNATURE

You must print or type your name below on the line provided for the verification paragraph, and you must sign and date (in ink) this form on the lines provided.

Verification: I John L. McClain hereby state that the facts above set forth are true and correct (or are true and correct to the best of my knowledge, information and belief) and that I expect to be able to prove the same at a hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa. C.S. § 4904 (relating to unsworn falsification to authorities).

John L. McClain
(Signature) 11-19-09
(Date)

Title of authorized employee or officer

10. FILING

Please return the completed form to one of the addresses listed below:

If using U.S. Postal Service:

If using overnight delivery service:

Secretary Pennsylvania Public Utility Commission P.O. Box 3265 Harrisburg, PA 17105-3265	Secretary Pennsylvania Public Utility Commission 400 North Street Commonwealth Keystone Building, 2 nd Floor Harrisburg, Pennsylvania 17120
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Facsimiles and/or electronic filings of the complaint will not be accepted.

If you have any questions about filling out this form, please contact the Secretary's Bureau at 717-772-7777.

Keep a copy of your complaint for your records.

John McClain
624 Montgomery School Lane
Wynnewood, PA 19096
215-859-3467

November 20, 2009

Secretary
Pennsylvania Public Utility Company
PO Box 3265
Harrisburg, PA 17105-3265

Via fax: 215-841-6816
Exelon
Legal Department S23-1
2301 Market Street, PO Box 8699
Philadelphia, PA 19101

Via fax only 717-346-4325
Stacey Dill
Supervisor Public Utility Corporation
PO Box 3265
Harrisburg, PA 17105-3265

Re: Appeal PECO Gas Shut off account 27710-01502 on November 12, 2009

See prior claims and appeals Claim # 2199821/2454346 905 Black Rock Rd.
Gladwyne, PA Vs. PECO

Dear Madam Secretary:

Please allow this appeal of the PUC's allowance of PECO to terminate my electric service as a result of my refusal to pay for the billing of non existent gas service or usage and the PUC's consent and approval of PECO to terminate my electric service on November 12, 2009.

PECO has a history of improper billing for the non-existence of gas service at this location for years. Each and every complaint filed with the PUC has without notice to me, except for Jim Farley's most recent action, has been closed without resolution and decided in the favor of the gas company.

Although, Mr. Farley served me with a determination in PECO's favor allowing the gas company to disconnect my gas service this past summer, to continue to bill me for ongoing non existing gas service and refusal to replace or repair the defective gas meter, **it was, as demanded promptly appealed on October 8, 2009, to no avail!** Mr. Farley had allowed PECO to terminate

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PA PUC
SECRETARY'S BUREAU

all gas service to this property this past summer! Not only was there no gas usage at the property, but this past summer PECO had shut off and terminated service entirely with the PUC's consent and yet continued to bill as if service and usage continued!

In response my prompt and immediate appeal of Mr. Farley's decision, in **apparent retaliation**, PECO threatened that if I did not pay for the ongoing billing for the non-existent gas service, my electric would be shut off as well!

Upon receipt of PECO's shut off notice of my electric, I repeatedly contacted the PUC, to no avail! Apparently and without prior notice to me, on November 12, 2009, the PUC allowed PECO to shut off my electric for the non-payment of PECO's ongoing billing of gas for phantom usage. When I contacted the PUC again and still could not get assistance, I contacted the governor's office who then sent me back to the PUC.

On November 12, 2009, the PUC advised me that I must file an appeal on its forms and in the manner they demand in respect to the PUC's decision to allow PECO to shut off my electric on November 12, 2009, as well. As demanded and on the forms required by the PUC, I hereby appeal the PUC's decision to allow PECO to shut off my electric on November 12, 2009 as a result of my refusal to pay ongoing billing of phantom gas usage.

John L. McClain


w/ attachments

cc Via fax only
PECO Regulatory Group; 215-568-3389

Attached appeal date November 20, 2009
Letters to PUC 10/8/09 and 11/09/09



COMMONWEALTH OF PENNSYLVANIA
PENNSYLVANIA PUBLIC UTILITY COMMISSION
P.O. BOX 3265, HARRISBURG, PA 17105-3265

IN REPLY
PLEASE REFER
TO OUR FILE

10/8/2009

BCS: 2454346

Should
Read

11/12/09

Date

of

Post Mark

Post Mark

11/12/09

JOHN MCCLAIN
624 MONTGOMERY SCHOOL LANE
WYNNEWOOD PA 19096

DEAR JOHN MCCLAIN:

Recently you contacted the Bureau of Consumer Services about a complaint with PECO ENERGY. You stated you are not satisfied with our decision.

We have enclosed formal complaint forms that you must complete for the Commission to review our decision.

Sincerely,

Public Utility Commission

PA P.U.C.
SECRETARY'S BUREAU

2009 NOV 23 AM 9:08

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Business Services
Company

Legal Department

Exelon Business Services Company
2301 Market Street/S23-1
PO Box 8699
Philadelphia, PA 19101-8699

Telephone 215.841.4000
Fax 215.568.3389
www.exeloncorp.com

Direct Dial: 215 841-6841

December 11, 2009

John McClain
P.O. Box 123
Wynnewood, PA 19072

Re: John McClain v. PECO Energy Company
PUC Docket No. C-2009-2143613

Dear Mr. McClain:

Enclosed is a copy of PECO Energy Company's Answer to the complaint filed in the above-referenced docket. The law requires PECO Energy to file an answer to your Public Utility Commission complaint. Keep these papers for your records. This Answer is not a decision on your complaint. If there is a "Notice to Plead" attached to this Answer, you should review the Notice to Plead for information on how to respond to a New Matter (a paragraph at the end of the Answer) and/or Motion to Dismiss (a separate document after the Answer) that may have been included with the Answer. If there is not a New Matter or a Motion to Dismiss, you do not need to reply.

Soon, the Public Utility Commission will schedule either a settlement conference or a hearing on your complaint. The Commission will let you know by mail whether there will be a conference or a hearing and will include instructions on what to do next. If the matter is set for hearing, the notice will provide you with information about the date, time and place of the hearing. If we are unable to resolve your complaint and have to proceed with a hearing, a judge will be at the hearing and will decide your complaint. You must call the Public Utility Commission if you have any questions about the hearing or if you cannot attend the hearing.

If you have any questions or concerns at any time, please do not hesitate to contact me at the above listed number.

Very truly yours,

Ken Massey
Counsel for PECO Energy Company

Enc.

peco ex. 2

Legal Department

Exelon Business Services Company
2301 Market Street/S23-7
P.O. Box 8699
Philadelphia, PA 19101-8699

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Company**

Direct Dial: 215.841.6841

December 11, 2009

James McNulty, Secretary
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
400 North Street, Second Floor
Harrisburg, PA 17120

**Re: John McClain v. PECO Energy Company
PUC Docket No. C-2009-2143613**

Dear Mr. McNulty:

Enclosed for filing with the Commission are the following documents and copies in the matter referenced above.

<u> X </u>	Answer (e-filed and 1 original)
<u> </u>	Motion for Continuance (e-filed and 1 original)
<u> </u>	Motion for Judgment on the Pleadings (original and 3 copies)
<u> </u>	Preliminary Objection (E-filed and 1 original)
<u> </u>	Exceptions (original and 9 copies)
<u> </u>	Reply Exceptions (original and 9 copies)
<u> </u>	Brief (original and 9 copies)
<u> </u>	Reply Brief (original and 9 copies)

I have enclosed a Certificate of Service showing that a copy of the above document was served on the interested parties. Thank you for your time and attention on this matter.

Very truly yours,



Keri Massey
Counsel for PECO Energy Company

KM/zyr

Enc.

Scheduling recommendation: CALL OF THE DOCKET X NON-CALL OF THE DOCKET

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

JOHN MCCLAIN	:	
	:	
v.	:	DOCKET NO. C-2009-2143613
	:	
PECO ENERGY COMPANY	:	

**ANSWER OF RESPONDENT,
PECO ENERGY COMPANY**

PECO Energy Company ("PECO Energy"), pursuant to 52 Pa. Code § 5.61, responds to the Complaint and states:

1. Admitted.
2. Admitted.
3. Admitted.
4. Denied. Complainant filed a previous PUC Complaint, BCS #002199821, which

was verbally closed on October 10, 2007 with the disputed make up gas bill being cancelled.

PECO had replaced the gas meter battery on May 18, 2006 and the gas meter module on January 11, 2007.

On October 6, 2008, Complainant filed an informal complaint with the BCS. That complaint was dismissed on October 7, 2009 after the BCS found that the gas meter tested accurately, and the gas bill was correct as rendered in BCS decision no. 002454346 (See Exhibit 1).

PECO has attempted to conduct further investigations. On August 7, 2009 PECO Energy tried to schedule a high bill reading on the Complainant's gas meter, which he declined.

Complainant's outstanding balance owed to PECO Energy consists of proper utility charges (See Exhibit 2). On December 10, 2009 Complainant was credited \$57.33 to correct nominal gas charges assessed following the termination of gas service on his account on July 6, 2009. The latest balance on Complainant's account with PECO is \$734.53.

PECO responds that Complainant is responsible for the entirety of his bill. PECO Energy denies that Complainant is unable to pay his natural gas and electric bill and proof thereof is demanded at time of hearing.

5. This paragraph is a request for relief and no answer is required.
6. PECO Energy is without sufficient information to confirm or deny this statement.
7. Admitted.

WHEREFORE, PECO Energy Company respectfully requests that your Honorable Commission dismiss the instant Complaint.

Respectfully Submitted,



Ken Massey
Counsel for PECO Energy Company
2301 Market Street, S23-1
P.O. Box 8699
Philadelphia, PA 19101-8699
(215) 841-6841
Fax: 215.568.3389
ken.massey@exeloncorp.com


**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

JOHN MCCLAIN :
 :
v. : DOCKET NO. C-2009-2143613
 :
PECO ENERGY COMPANY :

VERIFICATION

I, Ken Massey, hereby declare that I am counsel for PECO Energy Company; that as such I am authorized to make this verification on its behalf; that the facts set forth in the foregoing Pleadings are true to the best of my knowledge, information and belief, and that I make this verification subject to the penalties of 18 Pa. C.S. § 4904 pertaining to false statements to agencies.

Date: Dec 1, 2009



Ken Massey



December 11, 2009

BCS Decision Report

BCS Case #: 002454346 Open Date: 2008-10-06
Customer Name: JOHN MCCLAIN
Service Address: 905 BLACK ROCK ROAD

GLADWYNE, PA 19035
BCS Bill Account #: 2771001502 Previous Case #: 2199821
Violation Type: NO Chapter Type:
Decision Type: W Section / Rule:
Investigator Name: JIM FARLEY

Decision Issued Date: 2009-10-07
Case Closed Date: 2009-10-02

Letter Description:
EGW PAR W/COMPLEX DISPUTE/LEVEL2-4

Total Balance:	\$206.47	Balance Date:	2008-11-04
Amount to Restore Service:	\$0.00	Amount to Continue Service:	\$0.00
Date Payment Due:		Regular Budget Amount:	\$0.00
Special Budget Payment:	\$0.00	Final Bill Monthly Payment:	\$0.00
Plus Arrears Payment:	\$0.00	End of Month Payment:	\$0.00
Current Monthly Payment:	\$0.00		
Payment Terms:			

PAR Description:

Resolution Description:
COMPLAINT IS DISMISSED. CUST METER TESTED WITHIN ACCURACY REGULATIONS ESTABLISHED BY THE PUC. THE CUST CONSUMPTION HISTORY SHOWS CONSISTENT GAS USAGE REGISTERING ON THE METER FOR THIS RESIDENCE. THAT THE CUSTOMERS GAS BILL IS CORRECT AS RENDERED. THE CUST SHOULD CONTACT THE COMPANY WITHIN 20 DAYS OF THE DATE OF THIS DEC AND ARRANGE PAYMENT ON ANY OUTSTANDING ACCT BALANCE.

see ex 2

Date: 12/11/09
Page: 1 of 2

PECO Account Activity Statement

*** Account Information ***

Account Number: 27710-01502
 Account Status: Final
 Requested By: JOHN L MCCLAIN
 (219)859-3467 Extension:

Mail To:
 JOHN L MCCLAIN
 624 MONTGOMERY SCHOOL LN
 WYNEROOD PA 19096

Current Bill: \$25.28
 Billed Prior: \$709.25
 Balance Due: \$734.53
 Service Address:
 905 BLACK ROCK RD
 GLADWYNE PA 19035

Credit Amount: \$0.00
 Deposit Requested: \$0.00
 Deposit On-Hand: \$0.00
 Meter Bill Grp: 03
 Rate: Gas Residential Heating Service
 Electric Residential Service

*** Current Account Status ***

DATE	CHARGE TYPE	BILLING PERIOD	READ	METER #	CHARGE AMOUNT	CREDIT AMOUNT	YY NCGAP TOTAL BILL	BALANCE FORWARD DATE	FORW	CCF	HH
12/26/07	Payment					\$298.19					
01/04/08	GAS SERVICE	12/02/07 01/03/08	3685	015719382	\$709.73						
01/04/08	ELECTRIC SERVICE	12/02/07 01/03/08	21754	030290922	\$159.72		\$369.45	01/28	1044	158	
01/28/08	Regular Bill										
02/05/08	GAS SERVICE	01/03/08 02/04/08	3911	015719382	\$296.65						
02/05/08	ELECTRIC SERVICE	01/03/08 02/04/08	23022	030290922	\$191.14		\$487.79	02/26	1268	226	
02/26/08	Regular Bill										
03/05/08	GAS SERVICE	02/04/08 03/04/08	4023	015719382	\$152.24						
03/05/08	ELECTRIC SERVICE	02/04/08 03/04/08	24088	030290922	\$161.49						
03/05/08	Regular Bill										
03/27/08	Payment					\$313.73			1066	112	
04/03/08	GAS SERVICE	03/04/08 04/02/08	4063	015719382	\$62.59						
04/03/08	ELECTRIC SERVICE	03/04/08 04/02/08	25085	030290922	\$151.37		\$313.96	04/25	987	10	
04/03/08	Regular Bill										
04/25/08	Payment					\$213.95					
05/02/08	GAS SERVICE	04/02/08 05/01/08	4079	015719382	\$29.34						
05/02/08	ELECTRIC SERVICE	04/02/08 05/01/08	26143	030290922	\$160.32		\$189.66	05/27	1058	16	
05/02/08	Regular Bill										
05/27/08	Payment					\$189.66					
06/03/08	GAS SERVICE	05/01/08 06/02/08	4101	015719382	\$38.05						
06/03/08	ELECTRIC SERVICE	05/01/08 06/02/08	27378	030290922	\$201.66		\$239.71	06/25	1237	22	
06/03/08	Regular Bill										
06/26/08	Payment					\$239.71					
07/02/08	GAS SERVICE	06/02/08 07/01/08	4121	015719382	\$40.77						
07/02/08	ELECTRIC SERVICE	06/02/08 07/01/08	38491	030290922	\$181.22		\$221.99	07/24	1113	20	
07/02/08	Regular Bill										
07/28/08	Payment					\$221.99					
08/04/08	GAS SERVICE	07/01/08 08/03/08	4144	015719382	\$45.80						
08/04/08	ELECTRIC SERVICE	07/01/08 08/03/08	29619	030290922	\$183.74		\$229.54	08/26	1128	23	
08/04/08	Regular Bill										
08/20/08	Payment					\$229.54					
09/03/08	GAS SERVICE	08/03/08 09/02/08	4165	015719382	\$42.32						
09/03/08	ELECTRIC SERVICE	08/03/08 09/02/08	30189	030290922	\$90.18		\$122.50	09/25	570	21	
09/03/08	Regular Bill										
09/23/08	Payment					\$122.50					
10/02/08	GAS SERVICE	09/02/08 10/01/08	4185	015719382	\$38.96						
10/02/08	ELECTRIC SERVICE	09/02/08 10/01/08	30705	030290922	\$80.78		\$119.74	10/24	516	20	
10/02/08	Regular Bill										
10/31/08	GAS SERVICE	10/01/08 10/30/08	4193	015719382	\$19.88						
10/31/08	ELECTRIC SERVICE	10/01/08 10/30/08	31126	030290922	\$66.85		\$206.47	11/24	421	8	
10/31/08	Regular Bill										
12/03/08	GAS SERVICE	10/30/08 12/02/08	4202	015719382	\$21.30						
12/03/08	ELECTRIC SERVICE	10/30/08 12/02/08	31554	030290922	\$67.88		\$295.65	12/26	428	9	
12/03/08	Regular Bill										
01/06/09	GAS SERVICE	12/02/08 01/05/09	4312	015719382	\$150.93						
01/06/09	ELECTRIC SERVICE	12/02/08 01/05/09	31931	030290922	\$60.39		\$506.97	01/28	377	110	
01/06/09	Regular Bill										
02/05/09	GAS SERVICE	01/05/09 02/04/09	4404	015719382	\$261.83						
02/05/09	ELECTRIC SERVICE	01/05/09 02/04/09	32229	030290922	\$49.36		\$818.16	02/27	398	182	
02/05/09	Regular Bill										
03/06/09	GAS SERVICE	02/04/09 03/05/09	4586	015719382	\$135.23						

DATE	CHARGE TYPE	BILLING PERIOD	READ	METER #	CHARGE AMOUNT	CREDIT AMOUNT	TOTAL BILL	BALANCE FORWARD	DUE DATE	RWH	CCF	FU
03/06/09	ELECTRIC SERVICE	02/04/09 03/05/09	32475	030290922	\$41.64		\$995.03	\$818.16	03/30	246	92	
03/06/09	Regular Bill	03/05/09 04/05/09	4600	015719382	\$27.92		\$1078.09	\$895.03	04/28	337	34	
04/06/09	ELECTRIC SERVICE	03/05/09 04/05/09	32812	030290922	\$55.14		\$1160.01	\$1079.09	05/27	445		
04/06/09	Regular Bill	04/05/09 05/04/09	4600	015719382	\$10.76		\$1282.39	\$1160.01	06/29	534	22	
05/05/09	ELECTRIC SERVICE	04/05/09 05/04/09	33357	030290922	\$71.16		\$503.96	\$241.82	07/28	435	169	
05/05/09	Regular Bill	05/04/09 06/04/09	4622	015719382	\$37.30		\$575.33	\$503.96	08/26	373		
06/05/09	ELECTRIC SERVICE	05/04/09 06/03/09	33791	030290922	\$85.08	\$1040.57	\$655.23	\$355.93	10/26	534	1	
06/05/09	Regular Bill	06/04/09 07/05/09	4791	015719382	\$192.33		\$739.55	\$665.06	11/24	394		
07/06/09	CANCELED GAS SERVICE	06/03/09 07/05/09	34226	030290922	\$69.81		\$785.24	\$750.50	12/28	125		
07/06/09	ELECTRIC SERVICE	07/05/09 08/03/09	34599	030290922	\$10.76		\$734.53	\$708.11	01/04	325	1	
08/04/09	ELECTRIC SERVICE	07/05/09 08/03/09	34599	030290922	\$60.61	\$192.33						
08/04/09	Regular Bill	08/03/09 09/01/09	4791	015719382	\$32.24							
08/05/09	Fast or Slow Meter	08/03/09 09/01/09	4791	015719382	\$10.76							
08/05/09	Billing Adjustment	08/03/09 09/01/09	35397	030290922	\$129.93							
09/02/09	ELECTRIC SERVICE	08/03/09 09/01/09	35397	030290922	\$11.83							
09/02/09	Regular Bill	09/01/09 10/01/09	35951	133004732	\$87.47							
10/02/09	CANCELED GAS SERVICE	09/01/09 10/01/09	35951	030290922	\$10.76							
10/02/09	ELECTRIC SERVICE	10/01/09 11/01/09	36345	030290922	\$63.73							
11/02/09	CANCELED GAS SERVICE	10/01/09 11/01/09	36345	030290922	\$9.83							
11/02/09	ELECTRIC SERVICE	11/01/09 12/02/09	36471	133004732	\$10.95							
11/02/09	Late Payment Charge	11/01/09 12/02/09	36471	030290922	\$23.98							
12/01/09	Regular Bill	09/01/09 09/11/09	4792	015719382	\$4.65							
12/01/09	Late Payment Charge	11/01/09 11/12/09	36471	030290922	\$20.63							
12/01/09	CANCELED GAS SERVICE	11/01/09 12/02/09	36471	030290922	\$18.66							
12/03/09	CANCELED GAS SERVICE	11/01/09 12/02/09	36471	030290922	\$57.33							
12/03/09	ELECTRIC SERVICE	11/01/09 12/02/09	36471	030290922	\$23.98							
12/03/09	Late Payment Charge	11/01/09 12/02/09	36471	030290922	\$23.98							
12/03/09	Regular Bill	09/01/09 09/11/09	4792	015719382	\$4.65							
12/10/09	Com/Discon Error	11/01/09 11/12/09	36471	030290922	\$20.63							
12/10/09	GAS SERVICE	11/01/09 11/12/09	36471	030290922	\$20.63							
12/10/09	GAS-ADDITIONAL METER	11/01/09 11/12/09	36471	030290922	\$20.63							
12/10/09	ELECTRIC SERVICE	11/01/09 11/12/09	36471	030290922	\$20.63							
12/10/09	Regular Bill	11/01/09 11/12/09	36471	030290922	\$20.63							

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

JOHN MCCLAIN :
 :
v. : DOCKET NO. C-2009-2143613
 :
PECO ENERGY COMPANY :

CERTIFICATE OF SERVICE

I, Ken Massey hereby certify that I have this day served a copy of PECO Energy Company's Answer in the above matter upon all interested parties by mailing a copy, properly addressed and postage prepaid to:

John McClain
P.O. Box 123
Wynnewood, PA 19072

Dated at Philadelphia, Pennsylvania, December 11, 2009.



Ken Massey
Counsel for PECO Energy Company
2301 Market Street, S23-1
P.O. Box 8699
Philadelphia, PA 19101-8699
(215) 841-6841
Fax: 215.568.3389
ken.massey@exeloncorp.com



2009-1145
COMMONWEALTH OF PENNSYLVANIA
PENNSYLVANIA PUBLIC UTILITY COMMISSION
P.O. BOX 3265, HARRISBURG, PA 17105-3265

TISHENIA WILLIAMS
IN REPLY PLEASE
REFER TO OUR FILE
DEC 15 2009

DATE RE-SERVED: December 11, 2009

F-2009-2146821

Due - 12/31
Target - 12/28

PECO ENERGY COMPANY
C/O WARD L SMITH
ASSOCIATE GENERAL COUNSEL
PO BOX 8699
PHILADELPHIA PA 19101-8699

Dear Mr. Smith:

A complaint has been filed against you before the Pennsylvania Public Utility Commission by JOHN MCCLAIN. To defend yourself against the claims stated in the following pages, you must act within twenty (20) days by filing in writing with the Commission, either personally or through your attorney, your defenses or objections to the claims stated against you. Or, you may satisfy the complaint by settling the matter with the Complainant and submitting proof of settlement to the Commission within twenty (20) days.

IF YOU FAIL TO RESPOND WITHIN TWENTY (20) DAYS, THE CASE MAY GO FORWARD IN YOUR ABSENCE AND A JUDGEMENT MAY BE ENTERED AGAINST YOU BY THE COMMISSION WITHOUT FURTHER NOTICE.

CUSTOMER OF A UTILITY

A payment schedule may be prescribed or a termination of utility services may be authorized. You may lose money or property or other rights important to you.

COMPANY/UTILITY

An Administrative Law Judge may revoke or suspend any certificate or permit held by you, or impose a fine, or any other appropriate penalty or remedy authorized by the Public Utility Code. You may lose money or property or other rights important to you.

Detailed instructions on how to proceed are contained in the attached pages. You are advised to read them carefully.

peco ex. 3

COPY

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Formal Complaint Form

RECEIVED
2009 NOV 23 AM 9:08
PA.P.U.C.
SECRETARY'S BUREAU

Please print in ink or type. F-2009-2146821

1. CUSTOMER (COMPLAINANT) INFORMATION

Your name, mailing address, county, telephone number, utility account number and service address:

Name John McClain

Street/P.O. Box P.O. Box 123 Apt # _____

City Wynnewood State PA Zip 19072

County Montgomery

Daytime Telephone Number Where We Can Contact You: (215) 859-3467

E-mail Address (optional): AAA McClain @ AOL

Utility Account Number 27710-01502
(from your bill)

If your complaint involves utility service provided to a different address than your mailing address, please list this information below.

Name John McClain

Street/P.O. Box 905 Black Rock Rd.

City Gladwyn State PA Zip 19035

2. FULL NAME OF UTILITY COMPANY (RESPONDENT):

PECO An Exelon Company

3. TYPE OF UTILITY (check one)

- ELECTRIC
- GAS
- WATER
- TELEPHONE
(local, long distance)
- STEAM HEAT
- WASTE WATER
- MOTOR CARRIER
(e.g., taxi, moving company, limousine)

43070
42214

4. COMPLAINT (check one)

A. In general, what is your complaint?

- I want to oppose the company's proposed rate increase.
- There are incorrect charges on my bill.
- There is a reliability, safety or quality problem with my utility service.
- I received a notice that my utility service is being terminated.
- I would like a payment agreement.
- Other (explain).

B. State the facts of your complaint.

Include any specific dates, times or places that may be important. If the complaint is about a bill, tell us about any charges that you believe are not correct. Use additional paper if you need more space. Provide copies of all relevant documents you believe will support your complaint.

5. RELIEF

How do you want your complaint to be resolved? Use additional paper if you need more space.

On or about July 2009, PECO at the direction of Tim Farley at the PUC, shut off my GAS, failed & refuses to replace the defective meter, Refuses to restore service and has continued to bill for ~~gas~~ non existing GAS service. Threaten to disconnect electric unless I paid for non existing GAS service on meter disconnected electric service.

6. PROTECTION FROM ABUSE

Answer the following question if your complaint is against a natural gas distribution utility, an electric distribution utility or a water distribution utility **AND** your complaint is about a billing problem, a request to receive service, a security deposit request, termination of service or a request for a payment agreement.

Has a court granted a "Protection from Abuse" order for your personal safety or welfare?

YES

NO

7. PRIOR UTILITY CONTACT

Answer the following question only if you are a residential customer and your complaint is against an electric distribution utility, natural gas distribution utility or a water distribution utility.

Have you spoken to a utility company representative about this complaint?

YES (includes appeals of BCS determinations)

one

NO

If you tried to, but could not speak to a utility company representative about your complaint, please explain why.

8. LEGAL REPRESENTATION (IF ANY)

If you are represented by a lawyer **in this matter** you must provide your lawyer's name, address, telephone number, and e-mail address, if known.

Lawyer's Name *NSM*

Street _____

City _____ State _____ Zip _____

Area Code/Phone Number _____

E-mail Address (If Known) _____

9. VERIFICATION AND SIGNATURE

You must print or type your name below on the line provided for the verification paragraph, and you must sign and date (in ink) this form on the lines provided.

Verification:

I John L. McClain, hereby state that the facts above set forth are true and correct (or are true and correct to the best of my knowledge, information and belief) and that I expect to be able to prove the same at a hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa. C.S. § 4904 (relating to unsworn falsification to authorities).

John L. McClain
(Signature)

11-19-09
(Date)

Title of authorized employee or officer

10. FILING

Please return the completed form to one of the addresses listed below:

If using U.S. Postal Service:

If using overnight delivery service:

Secretary Pennsylvania Public Utility Commission P.O. Box 3265 Harrisburg, PA 17105-3265	Secretary Pennsylvania Public Utility Commission 400 North Street Commonwealth Keystone Building, 2 nd Floor Harrisburg, Pennsylvania 17120
---	--

Facsimiles and/or electronic filings of the complaint will not be accepted.

If you have any questions about filling out this form, please contact the Secretary's Bureau at 717-772-7777.

Keep a copy of your complaint for your records.

John McClain
624 Montgomery School Lane
Wynnewood, PA 19096
215-859-3467

November 20, 2009

Secretary
Pennsylvania Public Utility Company
PO Box 3265
Harrisburg, PA 17105-3265

Via fax: 215-841-6816
Exelon
Legal Department S23-1
2301 Market Street, PO Box 8699
Philadelphia, PA 19101

Via fax only 717-346-4325
Stacey Dill
Supervisor Public Utility Corporation
PO Box 3265
Harrisburg, PA 17105-3265

Re: Appeal PECO Gas Shut off account 27710-01502 on November 12, 2009

See prior claims and appeals Claim # 2199821/ 2454346 905 Black Rock Rd,
Gladwyne, PA Vs. PECO

Dear Madam Secretary:

Please allow this appeal of the PUC's allowance of PECO to terminate my electric service as a result of my refusal to pay for the billing of non existent gas service or usage and the PUC's consent and approval of PECO to terminate my electric service on November 12, 2009.

PECO has a history of improper billing for the non existence of gas service at this location for years. Each and every complaint filed with the PUC has without notice to me, except for Jim Farley's most recent action, has been closed without resolution and decided in the favor of the gas company.

Although, Mr. Farley served me with a determination in PECO's favor allowing the gas company to disconnect my gas service this past summer, to continue to bill me for ongoing non existing gas service and refusal to replace or repair the defective gas meter, **it was, as demanded promptly appealed on October 8, 2009, to no avail!** Mr. Farley had allowed PECO to terminate

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PA.P.U.C.
SECRETARY'S BUREAU

all gas service to this property this past summer! Not only was there no gas usage at the property, but this past summer PECO had shut off and terminated service entirely with the PUC's consent and yet continued to bill as if service and usage continued!

In response my prompt and immediate appeal of Mr. Farley's decision, in **apparent retaliation**, PECO threatened that if I did not pay for the ongoing billing for the non existent gas service, my electric would be shut off as well!

Upon receipt of PECO's shut off notice of my electric, I repeatedly contacted the PUC, to no avail! Apparently and without prior notice to me, on November 12, 2009, the PUC allowed PECO to shut off my electric for the non payment of PECO's ongoing billing of gas for phantom usage. When I contacted the PUC again and still could not get assistance, I contacted the governor's office who then sent me back to the PUC.

On November 12, 2009, the PUC advised me that I must file an appeal on its forms and in the manner they demand in respect to the PUC's decision to allow PECO to shut off my electric on November 12, 2009, as well. As demanded and on the forms required by the PUC, I hereby appeal the PUC's decision to allow PECO to shut off my electric on November 12, 2009 as a result of my refusal to pay ongoing billing of phantom gas usage.

John L. McClain


w/ attachments

cc Via fax only
PECO Regulatory Group; 215-568-3389

Attached appeal date November 20, 2009
Letters to PUC 10/8/09 and 11/09/09



COMMONWEALTH OF PENNSYLVANIA
PENNSYLVANIA PUBLIC UTILITY COMMISSION
P.O. BOX 3265, HARRISBURG, PA 17105-3265

IN REPLY
PLEASE REFER
TO OUR FILE

10/8/2009

BCS: 2454346

Should
Read
11/12/09

Post Mark
11/12/09

Date
of
Post Mark

JOHN MCCLAIN
624 MONTGOMERY SCHOOL LANE
WYNNEWOOD PA 19096

DEAR JOHN MCCLAIN:

Recently you contacted the Bureau of Consumer Services about a complaint with PECO ENERGY. You stated you are not satisfied with our decision.

We have enclosed formal complaint forms that you must complete for the Commission to review our decision.

Sincerely,

Public Utility Commission

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PA PUC
SECRETARY'S BUREAU

Timely

**Request for Formal Complaint Form
(Notification of Intent to Appeal)**

Notice to Customer:

If you sign and return this form, you are telling the Public Utility Commission that you want to appeal this decision. Do not return this form unless you want to appeal this decision.

If you want to appeal, you must return this form within 20 days of 10/7/2009. The Commission will send you formal complaint forms if you return this form.

You must comply with this decision until the Public Utility Commission completes the formal complaint process. You must make all of the required payments or the utility company may shut off your service.

Sincerely,
Pennsylvania Public Utility Commission

Yes, I want to appeal this decision. Please send formal complaint forms to me at the following address:

Customer name and address:
(Please correct any mistakes.)

JOHN MCCLAIN
624 MONTGOMERY SCHOOL LANE
WYNNEWOOD PA 19096 -



Signature
Date of Mailing: 10/7/2009

(Area Code) Telephone Number
BCS: 2454346
Company: PECO ENERGY

Mail this completed form to:

Secretary
Pennsylvania Public Utility Commission
P. O. Box 3265
Harrisburg, PA 17105-3265

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2009 OCT 13 AM 9:06
PA P.U.C.
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42214



COMMONWEALTH OF PENNSYLVANIA
PENNSYLVANIA PUBLIC UTILITY COMMISSION
BUREAU OF CONSUMER SERVICES
P.O. BOX 3265, HARRISBURG, PA 17105-3265

10/7/2009

BCS No: 2454346

JOHN MCCLAIN
624 MONTGOMERY SCHOOL LANE
WYNNEWOOD PA 19096 -

The Public Utility Commission has completed its investigation into your informal complaint. Our decision is attached. We sent a copy of this decision to your utility company. You and the company must both follow this decision. Both parties may appeal this decision. If no one appeals, the decision will become final 20 days after the date of this letter.

If you do not agree with this decision you can appeal it by filing a formal complaint. Complete and return the attached Notification of Intent to Appeal within 20 days of the date on the form. The Commission will mail you formal complaint forms. When you complete and return the formal complaint forms, your appeal begins. The Commission will assign your complaint to the Office of Administrative Law Judge. They will contact you about your formal complaint.

You do not need a lawyer to file an appeal.

You must make all of the payments required by this decision. If you do not make these payments the utility company can shut off your utility service.

Do not mail your payments to the Public Utility Commission. Mail your payments directly to your company.

If you have any questions, please call 1-800-692-7380.

Sincerely,



JIM FARLEY
Investigator

John McClain
624 Montgomery School Lane
Wynnewood, PA 19096
215-859-3467

October 8, 2009

Via fax only 717-346-4325
Stacey Dill
Supervisor Public Utility Corporation

Secretary
PA PUC
PO Box 3265
Harrisburg, PA 17105-3265

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2009 OCT 13 AM 9:03
PA PUC
SECRETARY'S BUREAU

Re: Claim # 2199821/ 2454346 905 Black Rock Rd, Gladwyne, PA
Vs. PECO

Dear Ms. Dill and Mr./ Ms Secretary:

Please be advised I am appealing the determination by Jim Farley. My formal appeal papers, as demanded by the PUC are attached. In light of the facts, the determination is simply ludicrous. In response to my complaint that the gas meter is registering a reading of gas usage when there is none, that dates back to 200, was now resolved by Mr. Farley's (PUC's) by allowing the utility company to shut off my gas entirely the past summer! Is the PUC a consumer protection group or an arm of the utility company? If a customer complains about a utility company, does the PUC simply allow the utility company in retaliation do nothing for YEARS and then when the customer is persistent the utility company is allowed to shut off the utility all together?

Despite Mr. Farley's assertion that the complaint 2199821 was "closed after the company canceled the disputed gas make up billing", I the consumer filed the complaint against the company! Does the PUC simply allow the utility company to cancel complaints filed without resolution of a complaint filed by the consumer?

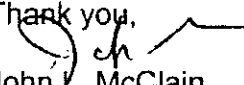
My complaint about the defective gas meter has been for years. The theft of funds by PECO in 2007 was one part of my complaint only, theft of funds. Yes, after months of hardship, PECO returned the funds the stolen but without interest, an apology or any mediation of the faulty gas meter. While my complaint, in part consisted of the theft of funds, PECO never fixed or replace the defective meter! Now, I learn from Mr. Farley's letter that the "company canceled

the disputed gas make up billing!" How can the PUC allow the "company" to cancel a complaint without the consumer's consent or acknowledgement? The statement of "facts" as asserted by Mr. Farley is simply wrong and inconsistent with documentation provided!

I find it despicable that when a consumer files a complaint with the PUC, that the PUC would respond by allowing the utility company to shut off the utility. What does PUC stand for? PUTTING UTILITY COMPANIES first?

While I have asked the PUC to assist with this matter, it appears that the PUC has simply added insult and injury. I will take any and all legal appropriate actions to seek redress and to get my utility back on!

Thank you,


John L. McClain
215-859-3467 cell

w/ attachments

cc Via fax only

PECO Regulatory Group; 215-568-3389

Stacey Dill, Supervisor Public Utility Corporation; 717-346-4325

John McClain
624 Montgomery School Lane
Wynnewood, PA 19096
AAAMCCLAIN@AOL.COM

June 14, 2009

Penni Williams
Customer Insights Analyst
PECO 2301 Market Street, N%-1
Philadelphia, PA 19101-8699

Re: Claim # 2199821 and 002454346 / 905 Black Rock Rd, Gladwyne, PA
Vs. PECO

Dear Willams:

Please find attached a copy of my letter of November 5, 2008. PECO has failed or refused to take any action since my complaint. I attach hereto a copy copy of your most recent billing. Be advised, that there has been no gas usage since mid March. There are no appliances on, there are no pilots and for safety the gas has been turned off, YET PECO CONTINUES TO BILL AS IF GAS IS BEING CONSUMED!

My previous complaint 002199821 was never resolved but for the return of stolen funds in excess of \$2,000 by PECO, five months later (09/2007) and only after the extensive involvement by the PUC. Despite PECO admission of guilt and wrong doing, your e-mail documents that PECO did absolutely nothing to correct the problem subsequent to the March 2007 complaint. Furthermore, you have provided documentation, ie "last 60 days of AMR gas reading" that provides proof that PECO continues to bill for gas service that does not exists.

In light of your statements, the documents provided and your implicit threat of termination of my electric service if I don't pay for you fabricated gas billing, I seek the PUC's direct involvement in this matter.

The original complaint was filed in March 2007, over 2 YEARS AGO. Ddemand is made that PECO fix or replace the gas meter without further delay or excuses!

Be guided accordingly,

John L. McClain

cc Via fax only
PECO Regulatory Group; 215-568-3389
Stacey Dill, Supervisor Public Utility Corporation; 717-346-4325

PA PUC
SECRETARY'S BUREAU

2009 OCT 13 AM 9:04

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Name: JOHN L. MCCLAIN
 Service Address: 905 BLACK ROCK RD, GLADWYNE
 Phone Number: 215-859-3467
 Account Number: 27710-01502
 Issue Date: 06/05/2009

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 2009 OCT 13 AM 9:05
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General Information

Next scheduled meter reading: July 6, 2009
 Payment Information: PECO Energy, 2301 Market St, Philadelphia, PA, 19101, walk-in business hours Monday through Friday 8:30AM to 5:00PM. For additional payment options, go to www.peco.com/ehome. If you have any questions or concerns, please call 1-800-494-4000 by the due date.
 To pay by phone, call 1-877-432-9384. (A convenience fee will apply.)
 Si tiene alguna pregunta, favor de llamar al numero 1-800-494-4000 antes de la fecha de vencimiento.

Meter Information

Read Date	Meter Number	Load Type	Reading Type	Meter Reading Previous	Meter Reading Present	Diff	Roll X
06/04	015719382	General Service	Total Ccf	4600 ACT	4622 EST	22	1
06/03	030290922	General Service	Tot kWh	33257 ACT	33791 ACT	534	1
Total Ccf Used						22	

Current Period

Gas Residential Heating Service

Customer charge								
Natural Gas Supply Charges	22 Ccf	X	\$0.71023			15.63		
Distribution Charges	22 Ccf	X	0.36466			8.02		
Balancing Service Charges	22 Ccf	X	0.04133			0.91		
Gas Cost Adjustment Charges	22 Ccf	X	0.08867			1.95		
State Tax Adjustment						0.04		
Total current charges								\$37.30

Service 05/04/2009 to 06/04/2009 - 31 Days

Electric Residential Service

Customer charge								
Generation Charges	500 kWh	X	\$0.06600			33.00		

Service 05/04/2009 to 06/03/2009 - 30 Days

continued

When paying in person, please bring the entire bill.

Return only this portion with your check made payable to PECO. Please write your account number on your check.



- Check here to enroll in Power Pay automatic account debit and complete form on reverse side.
- Check here to pledge a donation to KEAF and complete form on reverse side.

To pay by phone call 1-877-432-9384.
 A convenience fee will apply.

27710 0150 2000 0000

22802 1 AT 0.357 2280222202251891 USE OF ENERGY 204 06/05/09
 JOHN L. MCCLAIN
 624 MONTGOMERY SCHOOL LN
 WYNNEWOOD PA 19096-1029

Account Number: 27710-01502
 Payment Receipt

Payment Amount

Please pay this amount by 06/29/2009 **\$1,282**

00000122360000116001



PECO ENERGY - PAYMENT PROCESSING
 PO BOX 37629
 PHILADELPHIA, PA 19101

277100150200012823941801282397

RECEIVED

2009 OCT 13 AM 9:05

PA P.U.S.
SECRETARY'S BUREAU

John McClain
624 Montgomery School Lane
Wynnewood, PA 19096
AAAMCCLAIN@AOL.COM

November 5, 2008

Penni Williams
Customer Insights Analyst
PECO 2301 Market Street, N%-1
Philadelphia, PA 19101-8699

Re: Claim # 2199821 and 002454346 / 905 Black Rock Rd, Gladwyne, PA
Vs. PECO

Dear Williams:

I am in receipt of your e-mail dated November 4, 2008 that was in response to my letter of October 11, 2008. Thank you. Your statements as well as the documentation provided, provides evidence that PECO has and continues to bill for phantom gas usage.

On October 11, 2008, I wrote in relevant part:

This complaint originated almost two years ago and has **NOT** been resolved, but for the return of funds stolen by PECO. The mere fact that PECO returned stolen funds after the PUC's involvement, did not fix a defective meter nor has apparently allowing the defective meter to age, done any better. While, after nine months I was certainly relieved to get my stolen funds back, PECO's refusal to pay interest on the stolen funds, refusal and/ or failure to fix or replace the defective meter and to continue to bill for gas that was never used ever since is inexcusable.

This property has been vacant since October 2006 with minimum electric usage for security lights. There is currently no gas usage of any sort!!! There are NO lit pilots!

My previous complaint 002199821 was never resolved but for the return of stolen funds in excess of \$2,000 by PECO, five months later (09/2007) and only after the extensive involvement by the PUC. Despite PECO admission of guilt and wrong doing, your e-mail documents that PECO did absolutely nothing to correct the problem subsequent to the March 2007 complaint. Furthermore, you have provided documentation, ie "last 60 days of AMR gas reading" that provides proof that PECO continues to bill for gas service that does not exist.

In light of your statements, the documents provided and your implicit threat of termination of my electric service if I don't pay for you fabricated gas billing, I seek the PUC's direct involvement in this matter.

Furthermore, in response to your demand that:

*In a message dated 11/4/2008 9:11:35 A.M. Eastern Standard Time, Priscilla.Williams@exeloncorp.com writes:
It is absolutely necessary that a customer or an adult representative is present at the property in order for PECO Energy to investigate a possible problem with and/or to change the gas meter, in view of the fact the gas service cannot be restored without lighting the pilots of the appliances using gas service at the property.*

Be advised, that property is vacant and there is NO gas appliances with pilots to be lit. The original complaint was filed in March 2007, over 20 months ago, and demand is made that PECO fix or replace the gas meter without further delay or excuses!

Be guided accordingly,

John L. McClain

w/ attachment Williams' e-mail 11/4/08

cc Via fax only
PECO Regulatory Group; 215-568-3389
Stacey Dill, Supervisor Public Utility Corporation; 717-346-4325

John McClain
624 Montgomery School Lane
Wynnewood, PA 19096
AAAMCCLAIN@AOL.COM

October 11, 2008

Penni Williams
Customer Insights Analyst
PECO 2301 Market Street, N%-1
Philadelphia, PA 19101-8699

PA PUC
SECRETARY'S BUREAU

2009 OCT 13 AM 9:05

RECEIVED

Re: Claim # 2199821 and 002454346 / 905 Black Rock Rd, Gladwyne, PA
Vs. PECO

Dear Williams:

I am in receipt of your letter of March 10, 2008. Be advised, I was home yesterday morning at 10:00 am when you called. The phone rang only twice before I answered, the calling party hung up!!! However, the caller id showed the phone number 214-841-4000 and I now presume it was you. In light of my past experience with PECO and the apparent implication in your letter that you made an attempt to contact me, which now leaves an even greater distrust of PECO representatives, I would prefer you put all communications in writing. If you like, you can e-mail any further comments you may have.

This complaint originated almost two years ago and has **NOT** been resolved, but for the return of funds stolen by PECO. The mere fact that PECO returned stolen funds after the PUC's involvement, did not fix a defective meter nor has apparently allowing the defective meter to age, done any better. While, after nine months I was certainly relieved to get my stolen funds back, PECO's refusal to pay interest on the stolen funds, refusal and/ or failure to fix or replace the defective meter and to continue to bill for gas that was never used ever since is inexcusable.

It appears to me that PECO, as a utility I have no choice of selecting, blatantly and intentionally causes harm to homeowners in the furtherance of its own excessive profits.

Thank you,

John L. McClain
w/ attachment

cc Via fax only
PECO Regulatory Group; 215-568-3389
Stacey Dill, Supervisor Public Utility Corporation; 717-346-4325

John McClain
624 Montgomery School Lane
Wynnewood, PA. 19096

PA P.U.C.
SECRETARY'S BUREAU

2009 OCT 13 AM 9:05

RECEIVED

August 23, 2007

Via fax only 717-346-4325
Stacey Dill
Supervisor Public Utility Corporation

Re: Claim # 2199821/ 905 Black Rock Rd, Gladwyne, PA
Vs. PECO

Dear Stacey:

Thank you so much for taking the time to speak with me today. After the last phone call I received from the PUC, I simply thought that the PUC was an arm of the utility company and not for the consumers' benefit.

As we discussed this property has been vacant since October of 2006 with only the minimum electric being used for security lights. Although, there is a gas cooking stove and a gas hot water heater, they have not been used. As we discussed, I am providing you with a copy of February 05, 2007 bill from PECO that shows on page 2, under "Your Usage Profile" of no gas usage of any sort for the eleven months previous, the months of February 06 through January 07! PECO had overcharged and taken out of my checking account a total of \$2,457.57 of which only \$125.97 is for the electric used.

It has been over six months since PECO inappropriately took my funds out of my checking account. The amount taken is in excess of what my total annual bill would have been for the property and certainly more than most people's mortgage payment.

In light of the extreme and excess amount taken, the way PECO took the funds from my account and over six months having lapsed, I ask that you do whatever you can ASAP, before I my home goes into foreclosure because I am unable to make my mortgage payment.

Thank you,

John L. McClain
215-859-3467 cell

FORMAL COMPLAINT DECISION
THE PENNSYLVANIA PUBLIC UTILITY COMMISSION

JOHN MCCLAIN
624 MONTGOMERY SCHOOL LANE
WYNNEWOOD PA 19096 -

Date: 10/7/2009

BCS: 2454346

Acct. No: 2771001502

PA P.U.C.
SECRETARY'S BUREAU

2009 OCT 13 AM 9:05

RECEIVED

v.

PECO ENERGY

DECISION ON INFORMAL COMPLAINT BY THE PUBLIC UTILITY COMMISSION:

STATEMENT OF COMPLAINT:

We received your informal complaint on 10/6/2008. In the complaint, you state that:

- (1) The residence at 905 Black Rock Rd, Gladwyne Pa has been vacant since October 2006.
- (2) The customer disputes any gas usage that the company has billed for service to 905 Black Rock Rd, Gladwyne Pa.
- (3) The customer disputes the gas usage billed for this residence because there has not been any gas used at the residence since it became vacant in October 2006.

INVESTIGATION BY STAFF OF THE PUBLIC UTILITY COMMISSION FOUND:

- (1) That according to company records the customer gas consumption history for 905 Black Rock Rd, Gladwyne Pa is as shown below:

Service to	Meter Reading	Consumption
10/1/07	3416	
10/30/07	3434	18
12/2/07	3527	93
1/3/08	3685	158
2/4/08	3911	226
3/4/08	4023	112
4/2/08	4063	40
5/1/08	4079	16
6/2/08	4101	22
7/1/08	4121	20
8/3/08	4144	23
9/2/08	4165	21
10/1/08	4185	20
10/30/08	4193	8

- (2) That according to company records on February 27, 2007 the customer contacted the company about his current bill. The customer stated the house is empty and slated for

demolition. The company initiated an investigation and scheduled a field appointment for February 15, 2007.

(3) That according to company records on February 15, 2007 a company representative arrived at 905 Black Rock Rd, Gladwyne Pa and found no one home at the residence. A meter reading of 3397 was secured.

(4) That according to company records on February 20, 2007 the company sent the customer a utility report. The utility report advised the customer the bill was correct as rendered.

(5) That according to company records on November 4, 2008 the company sent a letter to the customer that provided the following information: The prior PUC complaint #2199821 was closed after the company canceled the disputed gas make up billing and the account was billed for zero usage from January 4, 2007 to February 4, 2007. The account was billed for zero usage from November 3, 2005 to November 30, 2006 due to the AMR gas meter module not registering usage. The battery on the AMR was replaced on May 18, 2006. The AMR gas meter was replaced on January 11, 2007 and programmed to the meter reading on the gas meter – index 3116. All gas usage has been billed based on actual meter readings since February 7, 2007. Daily AMR meter readings obtained from September 4, 1008 to November 2, 2008 indicate periodic minimum usage at 905 Black Rock Rd, Gladwyne, Pa.

(6) That according to company records the customer gas meter tested at 99.93% accuracy.

(7) That Pa Code 52 Chapter 59.22 states: (a) *Fast meters*. If, upon test of a meter, it is found to have an average error of more than 2.0% fast, the public utility shall refund to or credit the customer for the overcharge, based upon what the meter would have registered had it not been fast or slow for a period equal to 1/2 the time elapsed since the last previous test, but not to exceed 12 months or 1/2 the period of occupancy of the premises by the customer, whichever is less. If the period of registration error may be definitely fixed, the overcharge shall be computed for the period. If the meter has not been tested under § 59.21 (relating to meter tests), the period for which it has been in service beyond the regular test period shall be included in computing the refund. (b) *Slow meters*. If, upon test of a gas meter it is found to have an average error of more than 2.0% slow, the public utility may render a bill for the gas consumed but not covered by bills previously rendered, for a period equal to 1/2 of the time elapsed since the last previous test, but not to exceed 3 months. If the period of registration error may be definitely fixed, the charge may be computed for the period.

(8) That Peco Energy is a public utility regulated by the PA PUC.

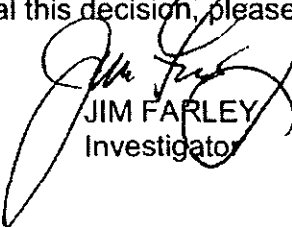
BASED ON THESE FINDINGS, WE CONCLUDE THAT:

- (1) The Public Utility Commission has jurisdiction over this dispute.
- (2) The customers meter tested within accuracy regulations established by the PA PUC.
- (3) The meter has registering periodic minimum usage at the customer property
- (4) That check meter reading secured by the company verified the prior billed meter readings were correct.

THEREFORE, IT IS DECIDED THAT:

- (1) That this informal complaint is hereby dismissed.
- (2) That the customer gas billings are correct as rendered.
- (3) That within twenty (20) days of the date of this decision the customer should contact the company and arrange payment for any outstanding account balance.

We will send a copy of this decision to the utility company. If you have questions about the terms of this decision or how to appeal this decision, please call us at 1-800-692-7380.



JIM FARLEY
Investigator