

November 28, 2010

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

RECEIVED

NOV 29 2010

PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

Re: Maxine A. McClendon v. PECO Energy Company

PUC Docket No. ~~C-2010-2207020~~ C-2010-2207045

Dear Ms. Chiavetta:

Enclosed please find the following documents, with regards to the above case no: ~~C-2010-2207020~~ for
your review: C-2010-2207045

- My Response to the Respondent (PECO Energy) Answers.
- My Peco Account Summary at a snap September 29, 2010
- Copy of the initial Shut Off Notice Received
- Important Message from PECO (Notice of Instant Action on PECO's Behalf)

For further information please feel free to contact me at 267 265-1042 at any time.

Yours Sincerely,



Maxine A. McClendon
Complainant

cc: Exelon Business Service Company (PECO Energy)

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BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

NOV 29 2010

PA
MAXINE McCLENDON Complainant
SECRETARY'S BUREAU

PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

v.

Docket No. C-2010-2207045

PECO ENERGY COMPANY Respondent

**ANSWER OF COMPLAINANT
MAXINE McCLENDON**

Pursuant to 52 Pa Code 5.61, Maxine McClendon (Complainant) responds to PECO Energy ("PECO") as follows:

My Response to Answer 1: I dispute this answer.

My initial complaint was filed against PECO disputing Transfer Charges that were included on my bills from January 2007 to May 2007 without a valid explanation and or reasoning. These charges increased my total bills due significantly. At the hearing, Administrative Law Judge Charles Rainey attempted to resolve the case when he asked PECO's administrator Mr. Charles Thomas and Attorney Tishekia Williams what could be done to settle the bill amount. Mr. Charles Thomas replied that PECO would remove the Transfer Charges and Late Payment Charges. At the time the total bill including Late Payment Charges and Transfer Charges was \$9,462.26. If PECO had removed the charges as they said they would the bill would have reduced down to approximately \$7,475.00 maybe even more. PECO would have had to calculate the actual charges placed on the bill from January 2007 to April 2007 in the amount of \$280.47 for each month and then \$180.47 for the month of May 2007. Administrative Law Judge Charles Rainey further asked how far out could PECO amortize the balance there after. Mr. Charles Thomas replied over a period of five year allowable under Chapter 14 of the Public Utility Code. This settlement agreement is sited on page 3 starting at paragraph 3 of The Initial Decision From The Public Utility Commission Case# C-2009-2095418 ("Respondent offered complainant a settlement"). It further states ("Under Respondent Settlement Proposal") which clearly spells out that there was a settlement offered and that Administrative Law Judge Charles Rainey references this offer in his final decision.

In so far as Administrative Law Judge Rainey's decision to dismiss this case in PECO's favor, I felt that he made this decision primarily due to the fact that he never requested copies of my bills given to me by Community Legal Services prior to the hearing for his review. Had he reviewed each bill in it's entirety he would have seen all notations on each bill that was being disputed. I provided PECO with copies of all bills along with all payments made on my behalf for 2007 and 2008. In addition I provided proof of my total

billing from 2006 along with payment receipts that were recorded. I also provide proofs of lump sum payments made during 2005, 2006 and 2007. When I received the final decision, had I not saw that the Judge Referenced PECO removing the charges I would have immediately appealed the decision in a timely matter. It was my understanding that PECO would receive this decision and move forward to remove the charges stated above, then divide the remaining balance up in payments over a 5-year period.

My Response to Answer 2: I dispute this answer

There is no such thing that I the complainant am only attempting a payment arrangement. Right is right and wrong is simply wrong. Why should I be responsible for charges that should have never occurred on my bill? What's more, PECO has made a mistake twice since I've been living at 2424 N. Marshall Street in a 21 year period of sending me bills in another person's name whom which I don't know and that person has never ever lived at my address. I questioned PECO about those bills. Then immediately after the error was corrected I started getting these Transfer Charges added to my bill. This was clearly PECO's error not mine. I was told by their Representative that the error was not why they added those charges. Current Bills no longer have those charges and previous bills prior to the above dates did not have those charges.

In so far as Administrative Law Judge Charles Rainey making his decision, I believe it was again based on the fact that he did not have copies of the bills for his review, which referenced all errors. If he had requested copies, I would have submitted them immediately or I would have requested that the lawyer at Community Legal Services forward copies of all bills I submitted to them. In doing such he would have clearly saw the notations made on each bill referencing the additional charges and he would have noted the erroneous balances there after. It is easy to come to a conclusion if you don't physically see the errors for yourself. These errors have absolutely nothing to do with whether I can afford to pay my bills or not.

PECO mentioned that on July 8, 2009, the date of the hearing total balance due was \$9,462.26 and that now my balance is \$10,196.66. I dispute these allegations. I have made consistant payments to PECO and it is noted on the Shut Office notice that they sent me. What's more on the date of the shut office notice I took a snap shot of my account on line which gave current, accurate information and the balance was not at \$10,196.66. I will enclose a copy of that snap shot with these documents as proof. Every bill there after has been paid as well. Should you need me to submit proof I am more that happy too.

PECO Continuously mention how many times I have defaulted on my formal agreements; however, they never make mention to the large lump sum payment that I made to make up for the missed payments. When you add all current bills up for each month of 2007 and subtract all payments you will see that PECO received payments for all bills due in 2007. Had they not added Transfer Charges to my bills my balance would have remained at least constant until I had additional grant help to further reduce it. In

other words there should not have been much difference in the total balance in full due to PECO at the end of 2006 compared with total balance due at the end of 2007.

They say I am not eligible for another payment arrangement; but according to the law I am eligible. What's more PECO tried to get the Judge to agree to a budget that is nowhere near my normal usage. If you pull all current bills only for 2009 and 2010 you will see that my usage is no where near \$149.00 per month. Some months are as low as \$60.00 using the CAP rate program. It is my belief that a budget is supposed to be based on actual usage instead of a bogus figure. I am told that the budget derives from taking the highest and lowest usage and coming up with a median monthly budget so that the higher months bills will be spreaded out during the lower months usage periods. PECO's projected monthly budget in the amount of \$149.00 along with \$125.00 a month toward the arrearage would mean my paying \$274.00 per month. That would take over half of my check SSI Check. According to the law my payments should be based on a percentage of my income and that percentage is derived from The Governments' Poverty Guide Line based on family size and income.

My Response to Answer 3: I dispute this answer

PECO sent me a shut off notice dated September 10, 2010. That notice was for a past due amount of \$142.66 which was August 2010 current bill. The same day, September 10, 2010 I had gone on line and made the payment for August 2010 bill in the amount of \$142.66 at 12:57 pm. I received a confirmation number 659432934 for my payment so the only bill left due at the time was September 2010 bill, which was not due until September 24, 2010.

In the shut off notice I was given until September 24, 2010 to make payment and the notice remained in effect for 60 days. The notice further read as follows:

TEN DAY SHUT OFF NOTICE
(AVISO DE SUSPENSION DE SERVICIO EN 10 DIAS)
FOR PECO ENERGY CHARGES ONLY

Account Number: 7783100708	Past Due Amt: \$142.66
For Service To: 2424 N MARSHALL ST	New Billing: \$137.91
Date Prepared: September 10, 2010	Total Amount \$280.57

Your Gas/Electric Service May Be Shut Off!

Because your bill is past due, we will shut off the service to 2424 N. MARSHALL ST
On or after 8:00 a.m. on September 24, 2010

WE WILL NOT shut off your gas/electric service if you do ONE of the following:

- Pay \$142.66 in full before September 24, 2010, this includes any amount you owe on your payment plan. This notice is effective for 60 days.
- Show us a paid receipt for the past due amount.
- You may qualify for a payment agreement or special assistance programs.

Call 1-888-480-1533 right away to provide us with household income and occupant information to determine your eligibility.

- If you dispute this balance or have other billing questions, please call our office at 1-800-494-4000.

WE MUST RECEIVE YOUR PAYMENT BEFORE THE SHUT-OFF DATE. WE WILL NOT ACCEPT PAYMENTS AT YOUR PROPERTY.

If we shut off your gas/electric service, you may have to pay all of the following before we can turn service on:

- **Past Due Amount of** \$142.66
- **Deposit Past Due Amount of** \$ 0.00
- **Agreement Unbilled Balance** \$ 0.00
- **Total** \$142.66

* If your service is shut off, you may be required to pay any additional bills that have become past due to restore your service.

**If your service is shut off, you may have to make substantial payments in order to have your service restored. In addition to any balance owed, you will have to pay a Reconnection charge of between \$70.00 and \$1,700.00. This fee amount is set by PECO's tariff and based on how much work is needed to restore your service. You may also be required to pay a deposit equal to two times your average monthly usage.

Then the notice goes on to read Medical Emergency Notice, which my doctor filled out the Medical Emergency form.

As you can see above, there was no reason for PECO to shut my services off October 6, 2010 since I clearly made the payment well before September 24, 2010; In fact, their shut off noticed was being generated the very same day I made the payment. I called them to ask why did they send me a shut off notice. I spoke to a representative at the CAP rate Program and made her aware of the hearing and what was agreed upon. I told her I was waiting for PECO to remove the charges as they said they would and break up the remaining balance. I also question the monthly budget amount. I was told at that very moment to contact PUC back because she said PECO has not made any adjustments to my bill. I called the Administrative Judge office and was told they would contact PECO and look into it. I never heard anything back from them so I called again and I was told that the person will contact me when investigation was completed. The next thing I new October 6, 2010 around 1:30 pm my electric was shut off. I called PECO and was told a work order was issued October 5, 2010 to shut off my service. They stuck and envelope in the door that had a note in it that read IMPORTANT MESSAGE From PECO. The inside shut off notice was for to the entire back bill in the amount of \$9,890.66 as of October 6, 2010. The note said to have your service restored, call our office at 1-888-480-1533. It further read

You must contact us after your payment has been made to be sure you've met all conditions to have the service turned back on and to arrange access to your premises. You must pay the following before we can restore your service:

Past Due Amount of	\$9,890.66; and
Deposit Amount of	\$.00
Agreement Unbilled Balance	\$.00
***Total	\$9,890.66

Reconnection Chares (s) Noted: Electric - \$75.00/ Gas -\$80 / Water - \$25 / Tap Cut - \$260 Major Work - \$1,650 / Other - \$-----

ON FINAL NOTE

I believe that PECO actions were malicious due to my fighting back out of my own rights to dispute charges they put on my bill. Once Law Administrative Judge Charles Rainey dropped the case it was up to PECO to do what ever they felt and it was pure retaliation on their behalf. Some of my food went bad and caused me additional money. It took five days to get my services restored; because, they were faxing the form to the wrong number. As soon as my doctors' office receive the form they filled it out and faxed it back. I am on disability; because, I went to court and the Judge ruled me disabled based on my health conditions. Yes, I am on limited income; but, is that a reason to try and charge me, go before a judge and try to prove my inability to pay when in reality; This is not about my inability to pay, it's moreover about what they can do within reason of the law and not be held accountable for it. They know the law will back them up since they are a Public Entity. I have made significant payments in the past. If PECO doesn't provide the proof I will.



An Exelon Company

Your Account**Account Summary**[Account Summary](#)[Modify Account Information](#)[Change Email](#)[Change Password](#)[Energy Analyzer](#)[Switch Accounts \(for multiple accounts only\)](#)**MAXINE MCCLENDON**Account Number [7783100708](#)Address [2424 N MARSHALL ST,
U8019 PHILADELPHIA PA
19133](#)Service Phone [\(215\)763-3518](#)Alternate Phone [\(215\)763-3518](#)Mobile Phone [None](#)Email Address [mmccle2424@yahoo.com](#)Amount Due **\$9890.66** [Pay Online](#)Payment Received **\$142.66** [View History](#)
09/10/2010**Billing and Payment Options**[Start / Stop Autopay](#)[Start Budget Bill](#)
[Pay Online](#)[View Your Bill](#)[Billing & Payment History](#)**Billing & Payment Options**Automatic Payment **Not Enrolled** [Sign up for Automatic Payment](#)Budget Bill **Not Enrolled** [Sign up for Budget Bill](#)PECO e-Bill [Pay via e-Bill](#)**Move Center**[Start Service](#)[Stop Service](#)[Transfer Service](#)**Outage****Outage**[Check/Report Electrical Outage](#)Outage [Check/Report Electrical Outage Status](#)**Need Help****Logout**

**TEN DAY SHUT OFF NOTICE
(AVISO DE SUSPENSION DE SERVICIO EN 10 DIAS)
FOR PECO ENERGY CHARGES ONLY.**

Account Number: 7783100708
For Service To: 2424 N MARSHALL ST
Date Prepared: September 10, 2010

Past Due Amt: \$142.66
New Billing: \$137.91
Total Amount: \$280.57

Your Gas/Electric Service May Be Shut Off!

Because your bill is past due, we will shut off the service to 2424 N MARSHALL ST on or after 8:00 a.m. on September 24, 2010.

We will NOT shut off your gas/electric service if you do ONE of the following:

- Pay \$142.66 in full before September 24, 2010, this includes any amount you owe on your payment plan. This notice is effective for **60 days**.
- Show us a paid receipt for the past due amount.
- You may qualify for a payment agreement or special assistance programs. Call **1-888-480-1533** right away to provide us with household income and occupant information to determine your eligibility.
- If you dispute this balance or have other billing questions, please call our office at **1-800-494-4000**.

WE MUST RECEIVE YOUR PAYMENT BEFORE THE SHUT-OFF DATE. WE WILL NOT ACCEPT PAYMENTS AT YOUR PROPERTY.

If we shut off your gas/electric service, you may have to pay all of the following before we can turn service on:

- **Past Due Amount of \$142.66**
- **Deposit Past Due Amount of \$0.00**
- **Agreement Unbilled Balance \$0.00**
- **Total \$142.66***

*If your service is shut off, you may be required to pay any additional bills that have become past due to restore your service.

**If your service is shut off, you may have to make substantial payments in order to have your service restored. In addition to any balance owed, you will have to pay a Reconnection charge of between \$70.00 and \$1,700.00. This fee amount is set by PECO's tariff and based on how much work is needed to restore your service. You may also be required to pay a deposit equal to two times your average monthly usage.

MEDICAL EMERGENCY NOTICE

Let us know if you or anyone presently and normally living in your home is seriously ill. WE WILL NOT SHUT OFF YOUR SERVICE during such an illness provided you:

1. Have your licensed physician or nurse practitioner certify by phone and in writing that such an illness exists and that it may be aggravated if your service is shut off, phone certification must be followed by written certification within 7 days.
- 'AND'**
2. Make arrangements to pay this bill. You must provide us with household income and occupant information to determine your payment terms while protected under the medical certification.

IMPORTANT TO KNOW

Before we shut off your utility service please read the back of this notice. You may be eligible for certain protections from shut off.

Atencion ! Este es en mensaje muy importante. Si usted no lo entiende, favor de llama a 1-888-480-1533.

Send payment in the enclosed envelope or pay your bill at an authorized payment location or PECO Energy's Main Office (23rd & Market Streets Philadelphia). To pay by credit card or check by phone, call 1-877-432-9384. The service provider will charge a convenience fee of \$3.50.

See other side for more information



YOUR GAS/ELECTRICITY HAS BEEN SHUT-OFF

(AVISO DE SUSPENSION DE SERVICIO)

For PECO Charges Only

Name: MAXINE MCCLENDON
 Addr: 2424 N MARSHALL ST U8019
 PHILADELPHIA, PA 19133

Date: 10/06/2010

Account: 77831-00708**WE SHUT OFF YOUR GAS/ELECTRIC SERVICE BECAUSE:** You did not pay your past due bill.

Other: _____

TO HAVE YOUR SERVICE RESTORED, CALL OUR OFFICE AT 1-888-480-1533.

You must contact us after your payment has been made to be sure you've met all conditions to have the service turned back on and to arrange access to your premises.

You must pay the following before we can restore your service:

- Past Due Amount of \$ 9,890.66 ; and
- Deposit Amount of \$.00
- Agreement Unbilled Balance \$.00
- ****Total** \$ 9,890.66
- Reconnection Charge(s) Noted: Electric-\$75 / Gas-\$80 / Water-\$25 / Tap Cut-\$260
 Major Work-\$1,650 / Other-\$ _____

You may be required to pay any additional bills that have become past due to restore your service.

**Since your service has been terminated, you may have to make substantial payments in order to have your service restored. In addition to any balance owed you will have to pay a Reconnection charge of between \$70.00 and \$1,700.00. This fee amount is set by PECO's tariff and based on how much work is needed to restore your service. You may also be required to pay a deposit equal to two times your average monthly usage.

WE MAY BE ABLE TO QUICKLY RESTORE YOUR UTILITY SERVICE IF:

- o Someone in your home is SERIOUSLY ILL. Read the MEDICAL EMERGENCY NOTICE below.
- o Your income is at or below 250% of the Federal Poverty Level. See the chart on the back of this notice and call us at 1-888-480-1533.

MEDICAL EMERGENCY NOTICE

Let us know if you or anyone presently and normally living in your home is SERIOUSLY ILL. WE WILL NOT SHUT OFF YOUR SERVICE during such an illness provided you:

1. Have your licensed physician or nurse practitioner certify by phone and in writing that such an illness exists and that it may be aggravated if your service is shut off. phone certification must be followed by written certification within 7 days.
- AND
2. Make arrangements to pay this bill. You must provide us with household income and occupant information to determine your payment terms while protected under the medical certification.

SEE OTHER SIDE FOR MORE INFORMATION

PECO Business Office hours are Monday through Friday, from 8:30 a.m. to 5:00 p.m. Our business office is located at:
 2301 MARKET STREET, PHILADELPHIA, PA 19103.

If you have questions or need more information, please call us today at (888) 480-1533. After you talk with us, if you are not satisfied, you may file a complaint with the Public Utility Commission (PUC). The PUC may delay the shut off if you file the complaint before the shut off date. To contact them call (800) 692-7380 or write to: Pennsylvania Public Utility Commission, Box 3265, Harrisburg, PA 17105-3265.

WINTER SHUT-OFF PROVISIONS (between December 1 - March 31)

- If your income is below 250% of the federal poverty guideline, we must first ask the PUC for permission to shut off your service. Add together the monthly income of the adults in your household. If that number is the same or less than the amount listed in chart below for your household size, call us immediately at 1-888-480-1533. You will be required to provide us with proof of your income.

Monthly Income at 250% of Federal Poverty Level:				
Household Size	1	2	3	4
Monthly Income	\$2,256	\$3,035	\$3,815	\$4,594

Add \$779 for each additional household member.

- If we shut off your service during the winter months (between Dec. 1 - Mar. 31) we will restore your service within 24 hours of your meeting all requirements/conditions to have service reconnected. Where street digging is required it may take up to 7 days.

IMPORTANT TO KNOW - ABOUT YOUR UTILITY SERVICE

- If you currently have a valid Protection From Abuse order from a court, there are some additional protections available to you. **Call us immediately at 1-888-480-1533.** (You will be required to provide us with a copy of the order.)
- You may be eligible for a payment agreement or special assistance programs. Call **1-888-480-1533 right away to provide us with household income and occupant information.** Documentation of your income will be required, such as pay stubs or tax documents.
- If your landlord pays your utility bill: You have certain legal protections. Call us at 1-800-494-4000.
- If you have trouble understanding or speaking English please call us at 1-888-480-1533.
- If you have a disability or need help understanding this notice, please call us at 1-800-494-4000.
- Termination of service may result in extensive property damage. You are responsible for taking all steps necessary to protect the property and occupants. You may want to turn off the water so the pipes do not freeze. If you do not own the property, you are responsible for notifying your landlord that the service is off.
- Use only equipment that is made for home heating. Use all types of heaters carefully. Follow all directions for safe use. NEVER use your oven, grill, or clothes dryer to heat your home. This could cause a fire or dangerous carbon monoxide gas.
- If your service is shut off, you may have to pay more than the amount on the front of this notice to have your service turned back on. You may have to pay any additional bills that have become past due.
- All adult occupants of the premise whose names are on the mortgage, deed, or lease are considered the 'customer' and are responsible for payment of this bill.
- If service is shut off, ANY adult occupant who has been living at the premise may have to pay all or portions of this bill to have service restored.
- If your service is shut off, you must contact us after your payment has been made to be sure you've met all conditions to have the service turned back on and to arrange access to your premises.
- If we shut off your service during the NON-winter months (between Apr. 1 - Nov. 30) we will restore your service within 3 days of your meeting all requirements/conditions to have service reconnected. Where street digging is required it may take up to 7 days.

Atencion ! Este es un mensaje muy importante. Si usted no lo entiende, favor de llamar a 1-888-480-1533

PECO Energy Company's Business Office hours are Monday through Friday, from 8:30 a.m. to 5:00 p.m. Our business Office is located at: 2301 Market Street, Philadelphia, Pa. 19103.

To pay by credit card or check by phone, call 1-877-432-9384.

Payment Options: For your convenience, we offer the following payment options. Call us for more information about them.
Do not mail cash. Bring entire form with you when paying in person.

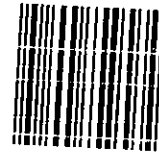
- Automatic Bank Payment Plan
- Budget Payment Plan
- Pay-by-Mail: P.O. Box 13437
Philadelphia, Pa. 19101
- Pay-in Person
- Pay-by-Phone
- Pay at Authorized Payment Locations

Pay ONLY where you see A PECO Energy Authorized payment Sign.

From: Maxine McEllen
2424 N. Marshall Blvd
Phila, Pa 19132



1000



17105

U. S. POSTAGE
PAID
PHILADELPHIA, PA
19123
DEC 10 1990
AMOUNT

\$0.61

00067729-08

FIRST CLASS

Ready **P**ost.

Document Mailer

To: Rosemary Chisveth, Secretary
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
406 North Street, Second Floor
Harrisburg PA 17120