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SECRETARY'S BUREAU

HALBERSTADT CURLEY  
ATTORNEYS AT LAW

November 21, 2011

Secretary  
Pennsylvania Public Utility Commission  
Commonwealth Keystone Building  
400 North Street, 2nd Floor  
Harrisburg, PA 17120

**RE: The Victory Condominium Association v. PECO Energy Company**  
**Docket No. C-2011-2268126**

Dear Sir/Madam:

Enclosed please find an original and one copy of an Amended Complaint in the above-referenced matter. Please file the original of record and return a time stamped copy to the undersigned in the self-addressed stamped envelope provided.

Thank you for your assistance. If you should have any questions or concerns, please do not hesitate to contact me.

Very truly yours,

HALBERSTADT CURLEY LLC

By: \_\_\_\_\_

Charles V. Curley

CVC/md

Encl.

cc: Tishekia Williams, Esquire (w/ encl.)

SPRING MILL CORPORATE CENTER  
1100 E. HECTOR STREET  
SUITE 425  
CONSHOHOCKEN PA 19428  
TEL 610.834.8819  
FAX 610.834.8813  
www.halcur.com



7. Based on historical data available to PECO at the time the Contract Limits were chosen by PECO, PECO should have applied more reasonable Contract Limits of 200/500 KW with an Off-Peak maximum of 600 KW.

8. PECO's billing mistake resulted in substantial overcharges from June 2008 to January 2011 totaling \$145,683.55.

9. At the time that service was initiated no one from PECO explained the different options that were available to Complainant and PECO did not send a Contract for HT Service for review and signature as required by the PECO tariff. PECO also informed Complainant that their account belonged in the >100 and <500 Procurement Class while applying the Contract Minimum of 560kw.

10. Despite receiving a letter from Complainant dated Jan. 24, 2011 requesting an adjustment to this account, PECO failed to adjust this account to the lower Contract Minimum on the next PECO bill dated Feb. 10, 2011.

11. PECO has unjustly and unreasonably refused to credit or offer just remuneration to Complainant for the overcharges it paid for this oversight by PECO.

12. As a result of the foregoing, Complainant was unlawfully discriminated against by PECO.

13. PECO will be unjustly enriched if it is permitted to retain the financial benefit of the excessive and unreasonable rates and charges it imposed by knowingly applying an incorrect Contract Minimum. It will be unjust and unreasonable if PECO is permitted to reap the financial benefit of its unlawful discrimination and negligence.

14. For the above reasons, Complainant requests that the Commission enter an Order directing PECO to refund and/or credit Complainant the difference between the charges which

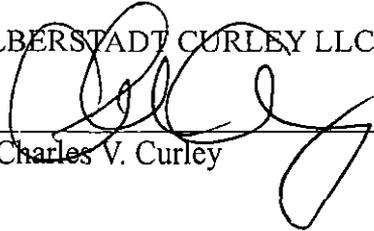
were imposed under the 560 KW Contract Minimum and the charges which should have been imposed under a 200 KW Contract Minimum from June 2008 to January 2011. Complainant also seeks pre-judgment interest, costs, and such other relief as the Commission deems appropriate.

WHEREFORE, Complainant requests that respondent PECO Energy Company be required to answer the above allegations and that, upon final hearing the Commission will make such Order as may be required.

Date: 11/21/2011

HALBERSTADT CURLEY LLC

By:

  
Charles V. Curley

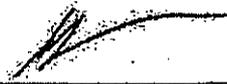
**AFFIDAVIT**

**COMMONWEALTH OF PENNSYLVANIA**

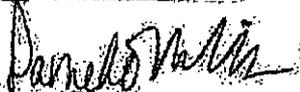
**COUNTY OF PHILADELPHIA**

)  
) SS  
)

I, Steven Subbio, Board President of The Victory Condominium Association, as authorized agent for the Complainant, deposes and says that he is authorized to and does make this affidavit for the Complainant; and that the facts set forth in the foregoing Complaint are true and correct to the best of his present knowledge, information and belief and that he expects the Complainant to be able to prove the same at any hearing hereof

  
\_\_\_\_\_  
Steven Subbio, President

Sworn to and subscribed  
before me this 0<sup>th</sup> day of  
October 2011.

  
\_\_\_\_\_  
Danielo V. M. M.

**COMMONWEALTH OF PENNSYLVANIA**  
Notarial Seal  
Danielo V. M. M., Notary Public  
Westtown Twp., Chester County  
Commission Expires Jan. 23, 2015

**COMMONWEALTH OF PENNSYLVANIA**  
Notarial Seal  
Danielo V. M. M., Notary Public  
Westtown Twp., Chester County  
My Commission Expires Jan. 23, 2015

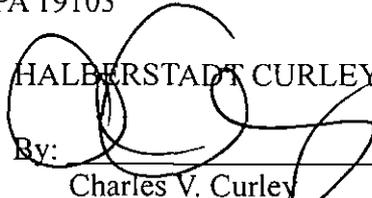
**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

THE VICTORY CONDOMINIUM ASSOCIATION,  Complainant  v.  PECO ENERGY COMPANY  Respondent.	Docket No. C-2011-2268126
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**CERTIFICATE OF SERVICE**

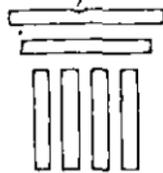
I hereby certify that a true and correct copy of the foregoing Amended Complaint was sent via first class U.S. mail addressed as follows:

Tishekia Williams, Esquire  
PECO Energy Company  
2301 Market Street, S-23  
Philadelphia, PA 19103

HALBERSTADT CURLEY LLC  
By:   
Charles V. Curley  
Attorneys for Complainant

Date: 11/21/11

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CONSHOHOCKEN PA 19428

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**\$ 000.84<sup>0</sup>**

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Pennsylvania Public Utility Commission  
Commonwealth Keystone Building  
400 North Street, 2nd Floor  
Harrisburg, PA 17120