

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

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DEC -8 2011

PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

DARRELL CARMICHAEL :
Complainant :
v. : DOCKET NO: F-2011-2272313
: F-2011-2272318
PECO ENERGY COMPANY :
Respondent :

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

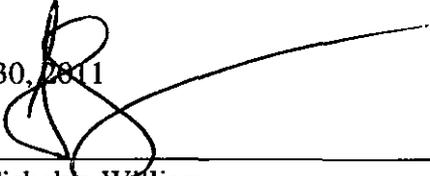
With a copy to:
Tishekia Williams, Esq.
PECO Energy Company
2301 Market Street, S-23
Philadelphia, PA 19103

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NOV 30 2011

PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

Dated at Philadelphia, PA, November 30, 2011


Tishekia Williams
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

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PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

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~~NOV 30 2011~~

~~PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU~~

DARRELL CARMICHAEL
Complainant

v.

PECO ENERGY COMPANY
Respondent

:
:
:
:
:
:

DOCKET NO: F-2011-2272313
F-2011-2272318

PECO ENERGY COMPANY'S MOTION TO CONSOLIDATE

Respondent, PECO Energy Company ("PECO"), pursuant to 52 Pa. Code § 5.81

(a) respectfully petitions this Honorable Commission to consolidate the matters of Darrell Carmichael v. PECO Energy Company at docket numbers F-2011-2272313 and F-2011-22272318, because both actions involve the same parties, facts and question of law.

1. On or about November 2, 2011, Darrell Carmichael filed a Formal Complaint with the Pennsylvania Public Utility Commission ("PUC") at Docket Number F-2011-2272313. In this complaint, the Complainant disputes responsibility for charged billed to him as a result of foreign wiring at 120 S. 5th Street, Darby PA. The Complainant claims that he is not the owner of the property. A copy of the Complaint is attached as Exhibit 1.

2. On or about November 2, 2011, Darrell Carmichael filed a second Formal Complaint with the Pennsylvania Public Utility Commission ("PUC") at Docket Number F-2011-2272318. In this complaint, the Complainant disputes responsibility for charged billed to him as a result of foreign wiring at 120 S. 5th Street, Darby PA. The Complainant claims that he is not the owner of the property. A copy of the Complaint is attached as Exhibit 2.

1. Pursuant to 52 Pa. Code § 5.101(b), PECO filed Answers to the Complaints on November 10, 2011.

2. PECO avers that judicial economy would be served by consolidating the Complaints pursuant to 52 Pa. Code § 5.81 (a), which states:

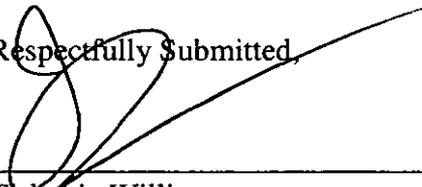
The Commission or presiding officer, with or without motion, may order proceedings involving a common question of law or fact to be consolidated. The Commission or presiding officer may make orders concerning the conduct of the proceeding as may avoid unnecessary costs or delay.

3. Both of the Complaint's involve the same issues of law and fact. Namely, the accuracy of Complainant's billing. Likewise, the parties in both actions are identical.

4. PECO avers that the matters should be consolidated to save the time, resources and the expense of trying these matters separately.

WHEREFORE, PECO Energy Company respectfully requests that your Honorable Commission consolidate the matters.

Respectfully Submitted,


Tishekia Williams
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

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NOV 30 2011

PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

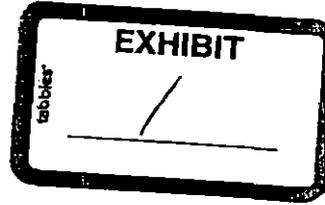
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PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU



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



DATE SERVED: November 10, 2011

TISHEKIA WILLIAMS F-2011-2272313

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

NOV 17 2011

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DEC -8 2011

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PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

NOV 30 2011

Dear Mr. Smith:

PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

A complaint has been filed against you before the Pennsylvania Public Utility Commission by Darrell Carmichael. To defend yourself against the claims stated in the complaint, you must respond within twenty (20) days of the above date served by filing with the Commission, in writing, an Answer in accordance with 52 Pa. Code Section 5.61, either personally or through your attorney. 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 of the above date served.

IF YOU FAIL TO ANSWER THE COMPLAINT WITHIN TWENTY (20) DAYS OF THE ABOVE DATE SERVED, THE CLAIMS AGAINST YOU MAY BE DEEMED ADMITTED, 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.

November 10, 2011

Unless you are a corporation or other organization, you may proceed without a lawyer. However, if you want a lawyer and do not have one or cannot afford one, the office listed below can tell you where you can get legal help:

Pennsylvania Lawyer Referral Service
Pennsylvania Bar Association
P.O. Box 186
Harrisburg, PA 17108
(800) 692-7375

Very truly yours,

A handwritten signature in cursive script that reads "Rosemary Chiavetta". The signature is written in black ink and is positioned above the printed name and title.

Rosemary Chiavetta
Secretary

al

BEFORE THE PENNSYLVANIA PUBLIC UTILITY COMMISSION

DATE SERVED: November 10, 2011

DARRELL CARMICHAEL
Complainant

v.

PECO ENERGY COMPANY
Respondent

Complaint Docket
No: F-2011-2272313

FORMAL COMPLAINT NOTICE TO RESPONDENT TO ANSWER OR SATISFY

TO: PECO ENERGY COMPANY

TAKE NOTICE:

That a complaint in the above entitled matter, of which the attached is a true and correct copy, has been presented and filed of record with the Pennsylvania Public Utility Commission. Section 702 of the Public Utility Code, 66 Pa. C.S. Section 702, requires the Commission to serve on each party named in a complaint a copy of the complaint and notice calling upon each party to satisfy the complaint, or to answer the same in writing within a specified time; THEREFORE,

1. You have twenty (20) days from the date on which this complaint is served to either satisfy this complaint or to file with the **Secretary of the Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265**, an answer (original and three copies), in writing, under oath, which, as required by Section 5.61 of the Commission's Rules of Practice and Procedure, 52 Pa. Code Section 5.61, either affirms or specifically denies the allegations in this complaint. You must also serve a copy of the answer upon the complainant. **The date served is the mailing date appearing at the top of this Notice.** Section 1.56(a) of the Commission's Rules of Practice and Procedure, 52 Pa. Code Section 1.56(a).

2. If you fail to either satisfy or settle this complaint, or to file an answer or other responsive pleading within twenty (20) days of the date served, you will be deemed to have admitted all the allegations in this complaint in accordance with Section 5.61 of the Commission's Rules of Administrative Practice and Procedure, 52 Pa. Code Section 5.61. In that event, the Commission may, without hearing, enter an order which either revokes or suspends any certificate or permit held by you or which imposes a fine or any other appropriate penalty or remedy authorized by the Public Utility Code, 66 Pa. C.S. Section 101, et seq. If you are a customer of a utility, an order may be entered which prescribes a

payment schedule or which authorizes termination of utility services. The Commission is not limited to the relief sought by the complainant in paragraph 4 of the attached complaint.

3. If you elect to satisfy or settle this complaint, you must file, within twenty (20) days from the date on which this complaint is served, affidavits executed by each complainant that this complaint has been satisfied. Such affidavits must describe the basis on which this complaint was satisfied; any settlement agreement between the parties must be reduced to writing and attached to the affidavit. Such affidavits are to be filed with the Secretary of the Commission at the address set forth in paragraph 1. Upon receipt of affidavits of satisfaction from all complainants, this complaint may be dismissed by the Commission in accordance with Section 703(a) of the Public Utility Code, 66 Pa. C.S. Section 703(a), unless the Commission determines that such dismissal would be contrary to the public interest, in which event the Commission may direct that hearings be held upon the complaint.

4. If you file an answer which admits the allegations in this complaint, or which fails to specifically deny the allegations in this complaint, the Commission may, without hearing, enter an order which either revokes or suspends any certificate held by you or which imposes a fine or any other appropriate penalty or remedy authorized by the Public Utility Code, 66 Pa. C. S. Section 101, et seq. If you are a customer of a utility, an order may be entered which prescribes a payment schedule or which authorizes termination of utility services. The Commission is not limited to the relief sought by the complainant in paragraph 4 of the attached complaint.

5. If you file a timely answer which specifically denies the allegations in this complaint, or which raises material questions of law or fact, this matter shall be referred to the Office of Administrative Law Judge for hearing and decision. If, after hearing on the issues raised by that answer, you are found to have committed any of the violations alleged in the complaint, the Administrative Law Judge may render a decision which either revokes or suspends any certificate or permit held by you or which imposes a fine or any other appropriate penalty or remedy authorized by the Public Utility Code, 66 Pa. C. S. Section 101, et seq. If you are a customer of a utility, an order may be entered which prescribes a payment schedule or which authorizes termination of utility services. In the imposition of a penalty after a hearing the Administrative Law Judge is not bound by the relief sought by the complainant in paragraph 4 of the attached complaint.



Rosemary Chiavetta
Secretary

(SEAL)

Certified Mail
Return Receipt Requested

TIMELY

BCS: 2846108
PECO ENERGY
Must be returned by November 3, 2011

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Formal Complaint Form

COPY

Please print or type.

1. CUSTOMER NAME (COMPLAINANT)

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

Name Darrell Carmichael

Street/P.O. Box 3314 Bercobblin Dr Apt # _____

City Greenville State SC Zip 29607

County _____

Area Code/HOME Phone _____

Area Code/WORK Phone 252-479-9452

Utility Account Number 95922-00047
(from your bill)

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NOV 2 2011

PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

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

Name Darrell Carmichael

Street/P.O. Box 120 55th St

City Darby State PA Zip 19023

2. UTILITY NAME (RESPONDENT)

Name of utility company your complaint concerns: Peco

3. TYPE OF UTILITY (check one)

ELECTRIC

STEAM HEAT

GAS

WASTE WATER

WATER

MOTOR CARRIER

(taxi, moving company, limousine)

TELEPHONE

(local, long distance)

19704

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).

PECO is trying to charge me service for a property that I sold in 8-1-10

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.

I have a Purchase Agreement Contract for 1005 5th St Darby PA 19023
I also have a writing statement from the buyer stating that he purchased the property on 8-1-10 and he is living in the property from 8-1-10 to present

5. RELIEF

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

I want the PUC to tell PECO to go after the Buyer not me
The Buyer is still living in the property his name is BO Ester

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)

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 _____

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, Darrell Carmichael, 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).



(Signature)

11-11

(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.



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



DATE SERVED: November 10, 2011

F-2011-2272318

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

RECEIVED

TISHEKIA WILLIAMS

RECEIVED

DEC -8 2011

PA PUBLIC UTILITY COMMISSION NOV 30 2011
SECRETARY'S BUREAU

PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

Dear Mr. Smith:

A complaint has been filed against you before the Pennsylvania Public Utility Commission by Darrell Carmichael. To defend yourself against the claims stated in the complaint, you must respond within twenty (20) days of the above date served by filing with the Commission, in writing, an Answer in accordance with 52 Pa. Code Section 5.61, either personally or through your attorney. 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 of the above date served.

IF YOU FAIL TO ANSWER THE COMPLAINT WITHIN TWENTY (20) DAYS OF THE ABOVE DATE SERVED, THE CLAIMS AGAINST YOU MAY BE DEEMED ADMITTED, THE CASE MAY GO FORWARD IN YOUR ABSENCE, AND A JUDGEMENT MAY BE ENTERED AGAINST YOU BY THE COMMISSION WITHOUT FURTHER NOTICE.

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

November 10, 2011

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Pennsylvania Lawyer Referral Service
Pennsylvania Bar Association
P.O. Box 186
Harrisburg, PA 17108
(800) 692-7375

Very truly yours,

A handwritten signature in cursive script that reads "Rosemary Chiavetta". The signature is written in black ink and is positioned above the typed name.

Rosemary Chiavetta
Secretary

al

BEFORE THE PENNSYLVANIA PUBLIC UTILITY COMMISSION

DATE SERVED: November 10, 2011

DARRELL CARMICHAEL
Complainant

v.

PECO ENERGY COMPANY
Respondent

Complaint Docket
No: **F-2011-2272318**

FORMAL COMPLAINT NOTICE TO RESPONDENT TO ANSWER OR SATISFY

TO: PECO ENERGY COMPANY

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payment schedule or which authorizes termination of utility services. The Commission is not limited to the relief sought by the complainant in paragraph 4 of the attached complaint.

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4. If you file an answer which admits the allegations in this complaint, or which fails to specifically deny the allegations in this complaint, the Commission may, without hearing, enter an order which either revokes or suspends any certificate held by you or which imposes a fine or any other appropriate penalty or remedy authorized by the Public Utility Code, 66 Pa. C. S. Section 101, et seq. If you are a customer of a utility, an order may be entered which prescribes a payment schedule or which authorizes termination of utility services. The Commission is not limited to the relief sought by the complainant in paragraph 4 of the attached complaint.

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Rosemary Chiavetta
Secretary

(SEAL)

Certified Mail
Return Receipt Requested

Timely
110550

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Formal Complaint Form

COPY

Please print or type.

1. CUSTOMER NAME (COMPLAINANT)

F-2011-2272318

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

Name Darrell Carmichael

Street/P.O. Box 3314 Breidablick Dr Apt # _____

City Greenville State DE Zip 19907

County _____

Area Code/HOME Phone _____

Area Code/WORK Phone 215-479-9452

Utility Account Number 891639-46010
(from your bill)

RECEIVED

NOV 2 2011

PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

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

Name Darrell Carmichael

Street/P.O. Box 120 5th St

City Darby State PA Zip 19123

2. UTILITY NAME (RESPONDENT)

Name of utility company your complaint concerns Peco

3. TYPE OF UTILITY (check one)

ELECTRIC

STEAM HEAT

GAS

WASTE WATER

WATER

MOTOR CARRIER

(taxi, moving company, limousine)

TELEPHONE

(local, long distance)

1105

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).

PACO is trying to charge me for service for a property that I sold in 8-1-10

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.

I have a Purchase Agreement Contract for 1005 5th St Darby PA 19023
I also have a writing statement from the buyer stating that he purchased the property on 8-1-10 and he is living in the property from 8-1-10 to present

5. RELIEF

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

I want the PUC to tell PACO to go after the Buyer not me
The Buyer is still living in the property his name is BO ESTES

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)

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 _____

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, Darrell Carrick, 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).

[Signature]
(Signature)

11-1-11
(Date)

[Signature]
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, 2nd 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.

RECEIVED

NOV 2 2011

PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

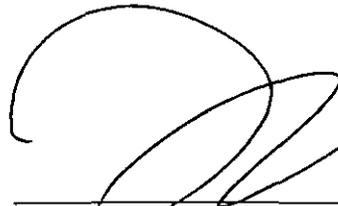
**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

DARRELL CARMICHAEL	:	
Complainant	:	
v.	:	DOCKET NO: F-2011-2272313
	:	F-2011-2272318
PECO ENERGY COMPANY	:	
Respondent	:	

VERIFICATION

I, Tishekia Williams, 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: November 30, 2011



Tishekia Williams

RECEIVED

NOV 30 2011

**PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU**

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

DARRELL CARMICHAEL	:	
Complainant	:	
v.	:	DOCKET NO: F-2011-2272313
	:	F-2011-2272318
PECO ENERGY COMPANY	:	
Respondent	:	

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:

Darrell Carmicheal
3314 Bredablik Drive
Granvilla, DE 19807

Dated at Philadelphia, Pennsylvania, November 30, 2011

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NOV 30 2011

**PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU**



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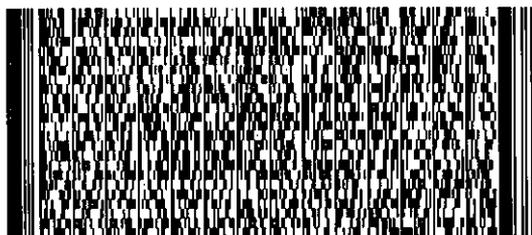
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