

Legal Department

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

Fax 215.568.3389
www.exeloncorp.com

Direct Dial: 215.841.6841

August 31, 2012

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

Re: **Sporty Smith and Betty Ricks v. PECO Energy Company**
PUC Docket No. C-2012-2321440

Dear Ms. Chiavetta:

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

—	Answer (1 original)
—	Answer & New Matter (1 original)
—	Motion to Dismiss (original)
—	Motion for Judgment on the Pleadings (1 original)
<u>X</u>	Preliminary Objection (1 original)
—	Exceptions (1 original)
—	Reply Exceptions (1 original)
—	Main Brief (1 original)
—	Reply Petition (1 original)

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,



Shawane Lee
Counsel for PECO Energy Company

SL/lo

Enc.

Scheduling Recommendation: Call of the docket X Non Call of the docket



**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

SPORTY SMITH	:	
BETTY RICKS	:	
Complainants	:	
v.	:	DOCKET NO. C-2012-2321440
	:	
PECO ENERGY COMPANY	:	
Respondent	:	

NOTICE TO PLEAD

Pursuant to 52 Pa. Code §§ 5.101 and 5.62(c), you are hereby notified that, if you do not file a written response denying or correcting the enclosed Preliminary Objection within 10 days from service of this notice, a ruling may be entered against you. Your response must be filed with the Secretary of the Pennsylvania Public Utility Commission, with a copy served to counsel for PECO Energy Company, Shawane L. Lee, and where applicable, the Administrative Law Judge presiding over the issue.

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

With a copy to:
Shawane L. Lee
PECO Energy Company
2301 Market Street, S-23
Philadelphia, PA 19103

Dated at Philadelphia, PA, August 31, 2012



Shawane L. Lee
PECO Energy Company
2301 Market Street, S-23
Philadelphia, PA 19103
(215) 841-6481
Shawane.Lee@exeloncorp.com



**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

SPORTY SMITH	:	
BETTY RICKS	:	
Complainants	:	
v.	:	DOCKET NO. C-2012-2321440
	:	
PECO ENERGY COMPANY	:	
Respondent	:	

**PRELIMINARY OBJECTION OF RESPONDENT,
PECO ENERGY COMPANY**

Respondent, PECO Energy Company (“PECO Energy”), pursuant to 52 Pa. Code § 5.101(a)(4) respectfully petitions this Honorable Commission to dismiss the instant Complaint as legally insufficient.

1. On August 29, 2012, PECO Energy was served with a formal complaint filed by Sporty Smith and Betty Ricks (hereafter “Complainant”). A copy of the Complaint is attached hereto as Exhibit “1”.

2. In their Complaint, Complainants allege that they have repeatedly complained to PECO Energy that their billing is incorrect. See Exhibit “1”. They claim they have asked PECO Energy to come out to their property located at 1206 Mount Vernon Street, Philadelphia, PA 19123 to check the meter and system. See Exhibit “1”. The Complainants allege that the issue has been going on since 2011 and they believe “master metering may be involved as well.” See Exhibit “1”. Additionally, the Complainants allege that they should be allowed to enroll in PECO Energy’s Customer Assistance Program (“CAP”). See Exhibit “1”.

3. PECO Energy simultaneously filed an Answer and the instant Preliminary Objection.
4. Pursuant to 52 Pa. Code § 5.101, preliminary objections may be filed against a complaint and dismissed for legal insufficiency. 52 Pa. Code § 5.101(a)(4).
5. Commission procedure regarding the disposition of preliminary objections is similar to that utilized in Pennsylvania civil procedure.¹
6. In deciding preliminary objections, the Public Utility Commission must determine, based on the factual pleadings of the petitioner, if relief or recovery is possible.²
7. A complaint must be able to recover under the law to survive a preliminary objection.³
8. All of the non-moving party's averments must be taken as true for the sake of deciding the preliminary objection.⁴
9. The court does not, however, need to accept, "unwarranted inferences from facts, argumentative allegations, or expressions of opinions."⁵
10. Section 703 of the Public Utility Code, 66 Pa. C.S.A. § 703(b) provides that the Commission may dismiss any complaint without a hearing of, in its opinion, a hearing is not necessary to the public interest.

¹ *Equitable Small Transportation Interveners v. Equitable Gas Co.*, 1994 Pa.PUC LEXIS 69, Docket No. C-00935435 (July 18, 1994)

² 2006 Pa. PUC Lexis 111, *7.

³ *Milliner v. Enck*, 709 A.2d 417, 418 (Pa. Super. Ct. 1998) ("preliminary objection should be sustained only where it appears with certainty that, upon the facts averred, the law will not allow the plaintiff to recover").

⁴ *Id.* at 7-8.

⁵ *Feingold v. McNulty*, 2009 Phila. Ct. Com. Pl LEXIS 167, *3.

11. A hearing is required only when there is a disputed question of fact, and is not required to resolve questions of law. *Dee-Dee Cab, Inc. v. Pa.Pub. Util. Comm'n*, 817 A.2nd 593 (Pa.Comm. Ct. 2003), petition for allowance of appeal denied, 836 A.2d 123 (Pa. 2003).

12. Here, there are no genuine issues of fact and PECO Energy is entitled to judgment as a matter of law with respect to all of the allegations in the Complaint.

13. All of the allegations raised in the Complaint, with the exception of the allegations concerning enrollment in the Customer Assistance Program, were previously raised by the Complainant in two prior former complaints and were dismissed.

14. The Complainants filed formal complaints raising the same allegations of “master metering” and “incorrect billing” at Docket number F-2008-2059928 and F-2008-2060646. In both Complaints, *inter alia*, the Complainants alleged there were incorrect charges on the bills for service at 1206 Mt. Vernon Street, Philadelphia and that PECO Energy unreasonably refused to investigate “master metering” at their residence. See Formal Complaint, F-2008-2059928, attached hereto as Exhibit “2”. See also Formal Complaint, F-2008-2060646, attached hereto as Exhibit “3”.

15. Specifically, in the formal complaint at Docket Number F-2008-2059928, the Complainants alleged:

There is electric being drawed (sic) from my line that is not coming from 1201 Mt. Vernon directly. We have bills dating back to 1988. It's easier to show discrepancies on the actual bills then to name here. There is a draw of electric on our line even when the meter is removed and electric is turned off at 1206 Mt. Vernon.

In their request for relief, the Complainants requested that the PUC

Instruct and make sure PECO identifies and corrects any and all electrical problems at 1206 Mt. Vernon. Erase the debt that is said to be owed and start from scratch with billing.

See Exhibit “2”.

16. In the formal complaint at Docket Number F-2008-2060646, the Complainants' alleged in several pieces of correspondence attached to the complaint:

That the CONTRACTOR told me approximately 22 years ago that my HOME was used as the CENTRAL METER FEED for the other properties during renovation. The connections must be on the INSIDE of these properties because of the extremely HIGH INCREASE in my billing...

See Exhibit "3".

17. PECO Energy filed Answers to the Complainants' formal complaints.

18. In addition, on September 19, 2008, PECO Energy filed a Motion to Consolidate the complaints.

19. By Order dated October 29, 2008, Administrative Law Judge Kandace F. Melillo consolidated the two proceedings. See Order, attached hereto as Exhibit "4".

20. The issues raised in the formal complaints were heard before Administrative Law Judge Cynthia Williams Fordham.

21. Subsequently, the matters were transferred to Administrative Law Judge, Darlene Heep who issued an Initial Decision on March 13, 2012, granting in part and denying in part the Complainants' complaints. See Initial Decision, dated 3/13/12, attached hereto as Exhibit "5".

22. Specifically, in her decision, ALJ Heep stated with regards to the "master metering" and "incorrect billing" concerns:

Complainant has not established a prima facie case on the foreign load issue. Both Complainant and Ms. Ricks suspected that there was foreign load or foreign wiring to their property. While Ms. Ricks recalls that Mr. Riley found foreign wiring (Tr. 27-28), the evidence is contrary to her memory. Nothing in the record supports a finding that there is a foreign load at play here.

Calculations performed by Mr. Riley to estimate usage at the residence were within 3 volts of the actual usage, an acceptable 2% margin of error. Further, this residual load was not show to be unrelated to the Complainant's service. Mr. Riley also testified that he found no foreign wiring or tampering. (Tr. 87). The contemporaneous written record at the time of the inspection also notes

that no foreign wiring was detected. (PECO Exhibit 2). The PECO Revenue Inspection Department also later confirmed this observation. (PECO Exhibit 5). Consequently, Complainant did not meet his burden of proof regarding foreign load.

Complainant has also not established a prima facie case with respect to billing.

See Exhibit "5".

23. The Pennsylvania Public Utility Commission adopted ALJ Heep's Initial Decision and dismissed the Complainants' Complaints. See Opinion and Order, dated 6/1/12, attached hereto as Exhibit "6".

24. Consistent with ALJ Heep's Decision, the Commission dismissed the Complainants' Complaints against PECO Energy. See Exhibit "6".

25. The doctrine of res judicata operates to prevent re-litigation of claims already litigated on the merits. As stated by the Commission in Frank Tomazin v. Pennsylvania-American Water Company, 1997 Pa. PUC Lexis 52 (1997), "the policies underlying the doctrine of res judicata are minimizing judicial energy devoted to individual cases, establishing certainty and respect for court judgments, and protecting the party relying on the prior adjudication from vexatious litigation."

26. The doctrine of res judicata, which is also known as claim preclusion, holds that a final judgment on the merits by a court of competent jurisdiction will bar any future action on the same cause of action between the parties and their privies. Hopewell Estates, Inc. v. Kent, 435 Pa. Superior Ct. 471. 476, 646 A.2d 1192 (1994).

27. The doctrine of res judicata applies to cases before the Commission. See, O'Toole v. Bell Telephone Co. of Pennsylvania, Inc., 77 Pa. P.U.C. 98, 104 (1992). The doctrine of res judicata reflects the refusal of the law to tolerate the re-litigation of a matter decided by a court of competent jurisdiction. For the doctrine to prevail four conditions must be met:

- (1) Identity of issues;
- (2) Identity of causes of action;
- (3) Identity of persons and parties to the action; and
- (4) Identity of the quality and capacity of the parties suing or sued.

Day v. Volkswagenwerk Aktiengesellschaft, 318 Pa. Superior Ct. 255, 474 A.2d 1313, 1316, 1317 (1983).

28. In the present case all four elements of res judicata are met. Clearly, the parties are identical in both Complaints. The thing sued upon is identical in both Complaints. Both the current Complaint and the 2008 Complaints relate to foreign load metering issues and alleged incorrect billing at 1206 Mount Vernon Street, Philadelphia, PA 19123. The cause of action is identical. Finally, the quality and capacity of the parties is identical in all three Complaints. The Complainants are the electric customers in the three Complaints, and PECO is the public utility providing service to the Complainant.

29. The Commission entered an Order dismissing the Complainants' previous Complaints as a matter of law, with prejudice, and such dismissal prevents the re-filing of the Complaint. With their new Complaint, the Complainants have ignored the Commission's clear dismissal Order and has attempted to re-file their Complaint.

30. For purposes of determining whether res judicata applies, the essential inquiry is whether the ultimate and controlling issues have been decided in a prior proceeding where the parties had an opportunity to appear and to be heard. Stevens Painton Corp. v. First State Ins. Co., 746 A.2d 649, 654 (Pa. Super. 2000) (emphasis added). The Complainant was provided with a hearing before ALJ Cynthia Fordham, who heard the merits of their Complaint.

31. Because the present Complaint asserts the same factual and legal basis for relief as the dismissed 2008 Complaints, the Complainants are estopped from attempting to re-assert their claims here.

32. The doctrine of res judicata is meant to protect against just the type of re-litigation that the Complainant are attempting with their present formal Complaint. It is pointless and a waste of the Commission's time and resources to permit the new Complaint to go forward with respect to any issues raised in the Complaint.

33. For the reasons set forth above, all of the Complainants' claims should be dismissed on the grounds of res judicata.

REQUEST FOR RELIEF

WHEREFORE, for the reasons set forth above, PECO Energy Company respectfully requests that your Honorable Commission summarily dismiss the Complainants' Complaint, and all issues which were raised in the 2008 Complaints, with the exception of the allegations concerning enrollment in PECO Energy's Customer Assistance Program.

Respectfully submitted,



Shawane L. Lee
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
Shawane.Lee@exeloncorp.com

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

SPORTY SMITH	:	
BETTY RICKS	:	
Complainants	:	
v.	:	DOCKET NO. C-2012-2321440
	:	
PECO ENERGY COMPANY	:	
Respondent	:	

VERIFICATION

I, Shawane L. Lee, 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 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: August 31, 2012



Shawane L. Lee

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

SPORTY SMITH

BETTY RICKS

Complainants

v.

PECO ENERGY COMPANY

Respondent

:
:
:
:
:
:
:
:
:

DOCKET NO. C-2012-2321440

CERTIFICATE OF SERVICE

I, Shawane L. Lee, 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:

Sporty Smith
Betty Ricks
1206 Mount Vernon Street
Philadelphia, PA 19123

Dated at Philadelphia, Pennsylvania, August 31, 2012



Shawane L. Lee
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
Shawane.Lee@exeloncorp.com

Legal Department

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Exelon Business Services Company
2301 Market Street/S23-1
P.O. Box 8699
Philadelphia, PA 19101-8699
Direct Dial: 215 841-6841

August 31, 2012

Sporty Smith
Betty Ricks
1206 Mount Vernon
Philadelphia, PA 19123

Re: Sporty Smith and Betty Ricks v. PECO Energy Company
PUC Docket No. : C-2012-2321440

Dear Ms. Smith and Ms. Ricks:

Enclosed is a copy of PECO Energy Company's response to the formal 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 is not a decision on your complaint. PECO's response may include a New Matter, Motion or Preliminary Objection. Please note that if you do not respond to a New Matter, Motion, or Preliminary Objection an unfavorable decision may be rendered against you. Responses to New Matters and Motions must be filed within 20 days. Responses to Preliminary Objections must be filed within 10 days. If there is no New Matter, Motion or Preliminary Objection included, no response is required.

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.

Thank you for your time and attention on this matter.

Very truly yours,



Shawane Lee
Counsel for PECO Energy Company
Enc.
SL/lo

EXHIBIT “1”

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Formal Complaint Form

Please print in ink or type.

1. CUSTOMER (COMPLAINANT) INFORMATION

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

Name Sporty Smith & Betty Ricks

Street/P.O. Box 1206 Mt Vernon Apt #

City Phila State PA Zip 19123

County Phila

Daytime Telephone Number Where We Can Contact You: (215) 769 8233

E-mail Address (optional): BeyRealEntertainment@gmail.com

Utility Account Number (from your bill) 4066101103

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

Name NA

Street/P.O. Box NA

City NA State MA Zip NA

2. FULL NAME OF UTILITY COMPANY (RESPONDENT):

PECO

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)

RECEIVED

AUG 15 2012

PA PUBLIC UTILITY COMMISSION SECRETARY'S BUREAU

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.

We have repeatedly complained that ~~our~~ ^{our} billings is incorrect
we have asked PECO to come out and check the
meter and system they refuse, this has been
since at least 2011 we believe master metering
may be involved as well. I should be allowed
to be rolled in CAP.

5. RELIEF

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

- 1) Correct Billings
- 2) allow CAP
- 3) make reasonable payment arrangements if ~~mess~~

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 Sandy Smith Betty Ricks 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) 10 Aug 12 (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.

EXHIBIT "2"



2008 - 756
COMMONWEALTH OF PENNSYLVANIA
PENNSYLVANIA PUBLIC UTILITY COMMISSION MICHAEL SWERLING
P.O. BOX 3265, HARRISBURG, PA 17105-3265

IN REPLY PLEASE
REFER TO OUR FILE
SEP - 2 2008

DATE SERVED: August 28, 2008

F-2008-2059928

Due - 9/17
Target - 9/12
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 Sporty Smith. 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 ENERGY
EXHIBIT 2

PECO ENERGY
EXHIBIT

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Formal Complaint Form

Please print or type.

1. CUSTOMER NAME (COMPLAINANT)

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

Name Betty Ricks & Sparty Smith

Street/P.O. Box 1206 Mt-Vernon Apt# _____

City Phila State PA Zip 19123

County Phila

Area Code/HOME Phone 2157698233 BR

Area Code/~~WORK~~ Phone 6104875097 SS

Utility Account Number _____ 40661-01103
(from your bill)

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

Name _____

Street/P.O. Box _____

City _____ State _____ Zip _____

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)

RECEIVED

AUG 19 2008

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. ^{ISS} There is Electric being drawn from my line that is not coming from 1206 mt Jernon Directly
(explain)

B. State the facts of your complaint.

Include any specific dates, times or places that are 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.

COLUBIUM
 USE MORE SPACE: PLEASE COPIES OF ALL RELEVANT DOCUMENTS YOU BELIEVE WILL SUPPORT YOUR COMPLAINT.

TOO MANY TO NAME, several complaints on file. We have Bills dating back to 1988 it's easier to show discrepancies on the actual Bills than to name here. there is a draw of electric on our line even when the meter is removed and electric is turned off. it's 1206 mt Jernon

5. RELIEF

What do you want the Public Utility Commission to do about your complaint? Use additional paper if you need more space.

Instructions make sure PECO identifies and corrects any and all electrical problems at 1206 mt Jernon. Erase the debt that is said to be owed and start from scratch with Billings



6. PROTECTION FROM ABUSE

Answer the following question if your complaint is against a natural gas distribution company, an electric distribution company or a water company AND your complaint is about a billing problem, an application for service problem, a termination of service problem or a request for a payment agreement.

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

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. 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 _____ 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).

Sports South _____ 17 Aug 08
(Signature) (Date)

Please schedule after Oct 15th I have several I dr appointments and procedures scheduled. Also if at all possible please schedule the hearing to take place no higher than level from the ground.

EXHIBIT “3”



2008-812
COMMONWEALTH OF PENNSYLVANIA
PENNSYLVANIA PUBLIC UTILITY COMMISSION
P.O. BOX 3265, HARRISBURG, PA 17105-3265

MICHAEL SWERLING
REPLY PLEASE
REFER TO OUR FILE

SEP 11 2008

DATE SERVED: September 2, 2008

F-2008-2060646

Due - 9/22
Target - 9/19
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 SYSTAO BETTY BL RICKS. 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 ENERGY
EXHIBIT 3

EXHIBIT
PECO ENERGY

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Formal Complaint Form

(19 Pages)
(TOTAL)

Please print or type.

F-2008-2060646

COPY

1. CUSTOMER NAME (COMPLAINANT)

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

Name SystAO Betty BL Ricks

PLEASE NOTE: Vision Disability Senior Citizen

Street/P.O. Box 1206 Mount Vernon Street Apt # FIRST FLOOR

City PHILADELPHIA State PENNSYLVANIA Zip 19123 -- USA

County PHILADELPHIA

Area Code/HOME Phone 215-769-8233

Area Code/WORK Phone _____

Utility Account Number # 22-06-58-104819 October 05, 2006
(from your bill) October 31, 2006 # 4066101103

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

Name NA

Street/P.O. Box NA

City _____ State _____ Zip _____

2. UTILITY NAME (RESPONDENT)

Name of utility company your complaint concerns: PECO-Exelon

3. TYPE OF UTILITY (check one)

ELECTRIC

STEAM HEAT

GAS

WASTE WATER

WATER

MOTOR CARRIER

(taxi, moving company, limousine)

TELEPHONE

(local, long distance)

RECEIVED

AUG 19 2008

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. PECO/Exelon have serious information with BCS case #3 especially 2007 - unknown to me the PECO/Exelon (explain) customer of the PUC employees continued to aid and abet PECO/Exelon by not communicating with me Sister Betty B. Bida

B. State the facts of your complaint.

Egregious Discrimination/Fraudulent Accounting Theft by Deception master netting
Include any specific dates, times or places that are 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.

Due to my vision disability this will be brought to your attention and presented under separate cover on the day of PUC Court hearing potential.
TO BE CONTINUED

5. RELIEF

What do you want the Public Utility Commission to do about your complaint? Use additional paper if you need more space.

to Be Continued

6. PROTECTION FROM ABUSE

Answer the following question if your complaint is against a natural gas distribution company, an electric distribution company or a water company AND your complaint is about a billing problem, an application for service problem, a termination of service problem or a request for a payment agreement.

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

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 ~~***~~

*Yes and NO
Because PECO/Exelon Employees
never discuss with customers
and refuse to follow up
on BCS.*

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

As PECO/Exelon Employees, PECO/Exelon Representatives, frustrate communication efforts by not returning telephone calls nor giving appropriate telephone number and time for telephone communication.

8. 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 SystAO Betty BL Ricks

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).

Betty BL Ricks

(Signature)

AUGUST 18, 2008

(Date)

"BETTY BL RICKS"

P.O. Box #8363

Philadelphia, Pennsylvania 19101-8363

215 ~ 769-8233

March 21, 2002

VIA: CERTIFIED MAIL # 7001-0320-0001-5425-9506

Ms. Shari C. Gribbin, Esquire,

ASSISTANT GENERAL COUNSEL

Exelon Business Services Company

PHILADELPHIA ELECTRIC COMPANY - PECO

2301 Market Street/ 523-1

P. O. Box 8699

Philadelphia, Pennsylvania 19101-8699

DOCKET # C-20016480

RE: 1206 MOUNT VERNON STREET 1st & 3rd Floor Meters

Our Telephone Conversation on: March 04, 2002 -

Your Letter Dated: March 05, 2002 -

PECO NOTICE on my DOOR: March 20, 2002 - PUC Date September 25, 2002

Dear Ms. Gribbin:

You were apprised, as well as much of our conversation entailed, about my experiences of calling the PECO Customer Services Telephone numbers as recent as the same day we last spoke, on March 4th, 2002, which you were informed of my attempts to schedule the installation of two AUTOMATED METERS for the two different ACCOUNTS located at 1206 Mount Vernon Street, to no avail. Furthermore, you were informed that this experience, along with the extraneously High Invoice Charges, as well as PECO Employees and their CEO's, etc., et al., disrespect, disregard and damages to my property, and my person are just a few of the reasons the PUBLIC UTILITY COMPLAINT was registered.

You were apprised, Ms. Gribbin, of my availability and willingness for those METERS to be installed. However, you were also apprised that my current FEDERAL CASE deemed it impossible for me reschedule for another date, because you would be away from your office on the very other dates that were available to me at that time. Therefore, later this summer.

In addition, you were apprised of my need to have sent to me the ELECTRO-MAGNETIC FIELD (EMF) Megagauss or Milligauss Readings, and Thermovision Reports of the Electric Transformers with ALL of the MAP locations measured to include 12th Street, 12th and Green Street to 13th and Ridge Avenue, taken approximately last year 2001, and the other readings in approximately 1993. Also, new readings are required and should be read to include within the boundaries of BROAD STREET to 10th Street, from GIRARD Avenue including Spring Garden Streets to RACE STREET, and ALL Streets between and including the ALLEY STREETS, with the ELECTRIC POWER SUB-STATION between 11th and 12th and RIDGE Avenue, especially during the SUMMER MONTHS for the high-peak usage of those blessed with Air-Conditioners, the months of July-August, and thereby, the winter MONTHS of, oh well, that's now a difficult one to figure out with the past winters in Philadelphia, Pennsylvania requiring less usage of heaters. Nonetheless, at least two winter MONTHS must be analyzed, with a COMPARATIVE measurement, of MARKET STREETS to SPRUCE STREETS including DELAWARE AVENUE onto 2nd STREET and up to CITY HALL, along with the BLUEPRINTS and MAPS for ALL of those areas

"BETTY BL RICKS"

P.O. Box #8363

Philadelphia, Pennsylvania 19101-8363

215 ~ 769-8233

Ms. Shari C. Gribbin, Esquire

March 21, 2002

PAGE 2 of two

which depict, define and disclose the UNDERGROUND WIRES, OVERHEAD WIRES, CABLES, TRANSFORMERS, and the Electric-Power SUB-Stations, as well as the AUTOMATED METERS.

Ms. Gribbin, you were also apprised by me of my experiences with the ORIGINALLY INSTALLED ELECTRIC METER which, after numerous telephone conversations, a PECO Manager removed and installed another METER, during the early 1980's. He reported to me, after testing the METER on PECO premises, that he did, indeed, find the METER malfunctioning. However, PECO never compensated me for any OVERCHARGES to neither METER ACCOUNT then, nor the next time after two AUTOMATED METERS were installed, with the 3rd Floor Meter removed, because the TWO RED LIGHTS on the closely situated METERS appeared during the day and evening hours as though TWO RED EYES stared at anyone entering the basement. Electric-Power Outages cause Electric-Power Surges and Costs!

After our in-depth conversation on March 4th, 2002, Ms. Gribbin, you now know, firsthand, of my GOOD FAITH intent to work with PECO within, and during all of these times, despite PECO's disrespect, disregard, and damages to my property, and my person etc., et al. You were also apprised of my request that PECO, or anyone coming to my HOME, must call me first for my SECURITY, SAFETY, and the COURTEOUSNESS one should extend to their fellow HUMAN BEINGS, ALL of the TIME. Despite that, however, last night, March 20th, 2002, a PECO personnel must have come to my door, without an APPOINTMENT, during the LATE-NIGHT HOURS, or even if it was during BROAD DAY-LIGHT HOURS, this still was an infringement upon myself, my HOME, and my household. You were told on March 4th, 2002, that both METERS are located in the basement and require an extensive amount of TIME, and ENERGY, without the LUXURY, of allowing anyone to come into my HOME, and, especially my BASEMENT, without preparation for my companion, protector pet. Therefore, Mr. Dwayne Davis, 3rd Floor, must not be penalized.

Finally, Ms. Gribbin, you were apprised on March 4th, 2002, that the CONTRACTOR told me approximately 22-years-ago that my HOME was used as the CENTRAL METER FEED for the other properties during renovation. The connections must be on the INSIDE of these properties because of the extremely HIGH INCREASE in my billing last MAY, JUNE, etc., et al., and thereafter, correlates with the high power tools used, the extensively NEW renovations, and the NEWLY installed central air-conditioner of a property which was at one time, tied to my property, as previously mentioned. Remember, my COMPLAINTS were originally for the five, ten and fifteen dollars compounded monthly onto the already extremely HIGH CHARGES, whereby my ELECTRICITY usage did not warrant such extremely HIGH INCREASES. However, the approximately \$80.00 increase in just ONE MONTH, and the GREENMOUNTAIN thingamabob, really alerted me to the FACT that something is desperately wrong with PECO's ACCOUNTING PRACTICES, as well as PECO's inept ability to provide EFFICIENT, SAFE, PROFESSIONAL, and HONEST Electric Service, Connections and Billing without causing aberrations to PECO CUSTOMER's health, well-being and livelihood. We, in the USA do not even have VOTING MACHINES which accurately count votes; PECO's various formulas are wrongful, erroneous and deceptive practices of FINANCIAL ROBBERY! (to be continued)

Respectfully submitted,

Betty BL Ricks

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

Betty BL RICKS

VS

PECO Energy Company
An Exelon Company

DOCKET # C-20016480

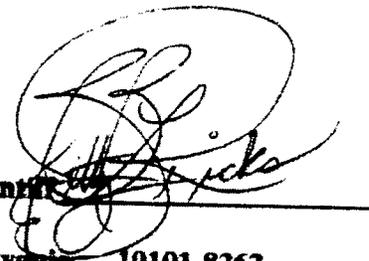
CERTIFICATE OF SERVICE

I do hereby certify that a true and correct copy of the PLAINTIFF'S Letter, dated March 21st, 2002, responds to the Defendant's Letter, dated March 5th, 2002, which requested Dates and Times for PECO Energy Company to conduct a high bill investigation, install two (2) Automated Meters, and coordinate with Claims for an investigation regarding the two doors damaged by tyrannically destructive Employees employed by PECO Energy Company, An Exelon Company, and was served on this 21st day of March, 2002, upon individuals listed below by the U. S. Postal Service CERTIFIED MAIL RETURN RECEIPT REQUESTED
7001-0320-0001-5425-9506

First Class and properly addressed with postage prepaid to:

Ms. Shari C. Gribbin, Esquire
ASSISTANT GENERAL COUNSEL
Counsel for PECO Energy Company
An Exelon Company
2301 Market Street / 523-1
P. O. Box # 8699
Philadelphia, Pennsylvania 19101-8699

Betty BL Ricks, Plaintiff
P. O. Box # 8363
Philadelphia, Pennsylvania 19101-8363
(215) 769-8233





"BETTY BL RICKS"

P.O. Box #8363

Philadelphia, Pennsylvania 19101-8363

215 ~ 769-8233

May 23, 2002

**VIA: UNITED STATES POSTAL SERVICE, and
FACSIMILE 215-568-3382**

**Ms. Shari C. Gribbin, Esquire,
ASSISTANT GENERAL COUNSEL
Exelon Business Services Company
PHILADELPHIA ELECTRIC COMPANY ~ PECO
2301 Market Street/ 523-1
P. O. Box 8699
Philadelphia, Pennsylvania 19101-8699 DOCKET # C-20016480**

**RE: 1206 MOUNT VERNON STREET 1st & 3rd Floor Meters
Our Telephone Conversation : Wednesday, May 22, 2002 -
PECO NOTICES on my DOOR: Tues./Wed., May 21 & 22, 2002 -
AUTOMATED METER INSTALLATION: June 10th, 2002 -
CLAIM INSPECTION: June 10th, 2002**

Dear Ms. Gribbin:

As discussed with your Assistant, Ms. ^{ULNB} Zelmia Rodriguez, and within my message to you on your VOICE MAIL, Wednesday, May 22, 2002, the PECO/Exelon PERSONNEL who must install the AUTOMATED METERS, have, again, overstepped the boundaries of their working-jurisdiction by utilizing TERRORISTIC HARASSMENTS, THREATS and INTIMIDATION to MY HOUSEHOLD, especially on Tuesday, May 21st, 2002, and returned to MY HOME on Wednesday, May 22nd, 2002, with their same ruthlessly arrogant determination to gain access into MY HOME without permission!

You, Ms. Gribbin, were informed of the previous encounters experienced by ME, (which happen to be one of the very many reasons that necessitates our "hearing" before the PUBLIC UTILITY COMMISSION COURT), whereby your PECO/Exelon PERSONNEL damaged and, thereby, thwarted the SECURITY of my front and inside entry doors, as well as caused ME and MY HOUSEHOLD to experience distressful trepidations, unnecessary anxiety, and disturbance of PEACE.

Ms. Gribbin, you were also asked to communicate with the AUTOMATED METER INSTALLATION DEPARTMENT to inform them, along with several other PECO/Exelon DEPARTMENTS, about our AGREEMENT and the need for their Professional PATIENCE, COOPERATION, and DOCUMENTARY ELEMENTS, delineated in MY March 21st, 2002, LETTER to you, which are required by ME at least two-months before our PUBLIC UTILITY COMMISSION COURT HEARING.

In addition, two (2) PECO/Exelon EVENTS were REPORTED and DOCUMENTED by the Print and Electronic NEWS MEDIA, on the SAME DAY in APRIL, 2002. These EVENTS established more PROOF that PECO/Exelon DISREGARD, DISSERVE and DISRESPECT their PECO/Exelon CONSUMER-CUSTOMERS' HEALTH, WELL-BEING and COMFORT, because PECO/Exelon camouflage their dangerous

Ms. Shari C. Gribbin, Esquire

May 23, 2002

"BETTY BL RICKS"

P.O. Box #8363

Philadelphia, Pennsylvania 19101-8363

215 ~ 769-8233

configurations of overhead and underground TRANSFORMERS, WIRES and SUBSTATIONS. PECO/Exelon SHOWOFF their benevolent duplicities of generosities to, of, and ONLY for DEAD PEOPLE!!!! That is, PECO/Exelon presented ONE MILLION DOLLARS to the HISTORY of VALLEY FORGE; while on that very SAME DAY, many ALIVE-and-WELL PEOPLE, residing in NORTH-EAST PHILADELPHIA, had to SUFFER because an UNDERGROUND PECO/Exelon TRANSFORMER EXPLODED and, thereby, DISRUPTED, DISCONNECTED, and SHUTOFF their ELECTRICAL SERVICE.

These most recent episodes, along with several other times since MY correspondence in MARCH, 2002, to you, Ms. Gribbin, give evidential PROOF that PECO/Exelon Personnel-Employees, Supervisors, Managers, Administrators, CEO-Executives, Stock-Holders, Financial Supporters, Equipment, Billing and PROCEDURES, etc., et al., are NOT trustworthy and must STOP practicing their ACTS of TERRORISM and EXTREME BILLING OVERCHARGES!

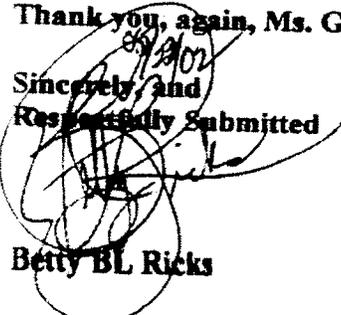
Therefore, MY AUTOMATED METER must be installed INSIDE my BASEMENT, and NOT on the OUTSIDE, which was originally requested by ME. Also, the PECO/Exelon representatives must show ME at least two PICTURE IDENTIFICATIONS. The PECO/Exelon representatives must be RESPECTFUL, COURTEOUS and PROFESSIONAL with the working-knowledge, working-ability, and working-accuracy to install the AUTOMATED METERS without the need to run back and forth, in and out of MY HOME. As mentioned to you, Ms. Gribbin, only one person is allowed in MY HOME, whereby the other PECO/Exelon representative may choose to wait outside, etc., et al. The PECO/Exelon representative must NOT be EQUIPPED nor WIRED with any type of AUDIO-Listening, nor VIDEO-Visual devices, as well as NO WEAPONS; and, must agree to the inspection of any tool boxes, etc., et al.

Before the AUTOMATED METERS are installed, please MAIL to ME, immediately, the SPECIFICATIONS with the amounts of Electro-Magnetic Emissions, etc., et al. for these electronically mechanical computers in addition to the hazards, risks, and problems etc., et al. which these PECO/Exelon AUTOMATED METERS present in, near and around MY HOME. Also, let ME know whether MANUAL METERS are available for installation.

Thank you very much, Ms. Gribbin. Please call ME for any clarifications you may need about the DOCUMENTS and THINGS needed by ME for the AUTOMATED METER INSTALLATION and/or the PUBLIC UTILITY COMMISSION COURT HEARING. MAIL for ME is to be generated ONLY to MY Post Office Box Number as listed above.

Thank you, again, Ms. Gribbin.

Sincerely, and
Respectfully Submitted



Betty BL Ricks

Ms. Shari C. Gribbin, Esquire

3/5/2002
Page 2

Revised
Via FAX # 215: 528-3389

RE: Betty BL Ricks v. PECO Energy Company
Docket No. C-20016480

Please indicate below on what dates and at what time you will be available to provide access and assist PECO Energy with a High Bill Field Investigation and with the installation of an Automated Meter in relation to your Complaint before the Public Utility Commission

Date: <u>May 24, 2002</u>	Time: <u>4:00 pm</u>
<u>May 29, 2002</u>	<u>5:00 pm</u>
<u>June 03, 2002</u>	<u>5:00 pm</u>
<u>June 10, 2002</u>	<u>5:00 pm</u>

Signature [Signature]

Please return this form in the enclosed postage-paid envelope. You will be provided with a letter confirming the scheduled date and time within a short period after we receive your response.

MAY 22, 2002

Dear Ms. Shari C. Gribbin, Esquire:
As you requested, the above dates are available for the two (2) AUTOMATED METERS, FOR TWO DIFFERENT ACCOUNTS, located at 1206 Mount Vernon Street. The ONE PERSON must TELEPHONE me at 215-769-8233 before arriving at my location in order for me to prepare my pet. Extremely inclement weather will present the need for a rescheduling date. ALSO, the person must bring ALL of the necessary EQUIPMENT AND TOOLS, ETC., with ONE and no more than TWO exit/re-entry. ONLY ONE PERSON is allowed into my HOME. Therefore, the CLAIMS INVESTIGATOR and the AUTOMATED METER INSTALLER will have to wait outside for the other to complete their work. My March 21st, 2002, letter requested several REPORTS, READINGS, DOCUMENTS and THINGS needed from PECO /EXELON--Please review letter from me to YOU, dated March 21st, 2002. AGAIN, this is for BOTH ACCOUNTS.

Thank you, Respectfully submitted,
Sincerely,
Betty BL Ricks [Signature]

Looked at 2003 calendar inadvertently



"BETTY BL RICKS"

P.O. Box #8363
Philadelphia, Pennsylvania 19101-8363
215 ~ 769-8233

September 27-30 2002
VIA FACSIMILE: 215-560-3133

PART I

Administrative Law Judge,
THE HONORABLE JUDGE HERBERT SMOLEN
1302 Philadelphia State Office Building
1400 West Spring Garden Street
Philadelphia, Pennsylvania 19130

BETTY BL RICKS

Vs.

Philadelphia Electric Energy Company (PECO) ~
EXELON BUSINESS SERVICES COMPANY, etc., et al.

: COMMONWEALTH OF
: PENNSYLVANIA PUBLIC
: UTILITY COMMISSION
:
: DOCKET # C-20016480
:

RE: 1206 MOUNT VERNON STREET ~ Especially 12th & Mount Vernon Street and including BROAD, 13th, 12th, 11th & 10th from WALLACE, MOUNT VERNON, GREEN, to SPRING GARDEN STREETS with the inclusion of the PECO/EXELON SUBSTATION located approximately on 11th to 12th Streets near Ridge Avenue ~ Electro-Magnetic Field Measurements (EMF) and THERMOVISION TESTS of PECO/EXELON ELECTRICAL TRANSFORMERS ~ OVERHEAD WIRES, and EQUIPMENT, etc., et al are NEEDED IMMEDIATELY!!!!

Dear Judge Smolen:

On approximately September 17th, 2002, and including to this date, September 30th, 2002, the PECO/EXELON Electrical TRANSFORMERS located, especially, on 12th and Mount Vernon Street, as well as the OVERHEAD WIRES, and, possibly those which are located underground, have generated extremely HIGH TEMPERATURE-RADIATION. Noticeable biotic affects are experienced by ME to MY PERSON within MY HOME/HOUSEHOLD, as well as to my NEIGHBORS with the effect of one of my NEIGHBORS ambulated to the HOSPITAL after 6 A.M. this morning!

This correlates with the HIGHER TEMPERATURE-RADIATION reported by the PECO/EXELON THERMOVISION TESTS for the 12th and Mount Vernon Street PECO/EXELON Electrical TRANSFORMER taken on February, 2001, and the loose "LUG" tightened on JUNE 27th, 2001. The PECO/EXELON OFFICE of Mr. Frank Di Piazza has the results of the THERMOVISION TEST which shows a HIGHER TEMPERATURE-RADIATION increase of six-degrees (6°), to melt snow!

Most importantly, however, is the fact that some time between JUNE, 27th, 2001, and SEPTEMBER, 2002, PECO/EXELON removed the REPAIRED PECO/EXELON Electrical TRANSFORMER and replaced it with an unusually different and rusty one. This PECO/EXELON Electrical TRANSFORMER needs repair, replacement, and all, eventually removed.

PLEASE, Judge Smolen, immediately request a THERMOVISION and MILLIGAUSS TESTS of the PECO/EXELON Electrical TRANSFORMERS located, especially, on 12th and Mount Vernon Street, in addition to the locations listed in the above REFERENCE (RE:), with measurements from Ground, 2nd-Floor, 3rd-Floor and Roof Levels with REPAIRS and ADJUSTMENTS to be performed by a PROFESSIONAL PECO/EXELON Electrical Engineer-Technicians with written results to ME.

The HIGHER TEMPERATURE-RADIATION escalates during early morning after 12-MIDNIGHT. Therefore, and especially since PECO/EXELON has nothing to hide, please have PECO/EXELON loan me one of their MILLIGAUSS Measuring Devices to accurately measure the Electromagnetic Fields (EMF) within MY HOME/HOUSEHOLD. Thank you Judge Smolen for your attention.

Respectfully Submitted,

Betty BL Ricks, PECO/EXELON CUSTOMER

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Betty BL Ricks

vs

DOCKET # C-20016480

PECO ENERGY COMPANY, et al.,
VSI GROUP, Inc., et al.,
and
EXELON BUSINESS SERVICES COMPANY, CORPORATION, etc., et al.

CERTIFICATE OF SERVICE

I do hereby certify that a true and correct copy of my Letter, dated September 27th-30th, 2002, which requested The Honorable Judge Herbert Smolen to IMMEDIATELY REQUEST a THERMOVISION and MILLIGAUSS TESTS for TEMPERATURE-RADIATION and Electromagnetic Fields (EMF) from the PECO/EXELON Electrical TRANSFORMERS located, especially, on 12th and Mount Vernon Street, in addition to and including BROAD, 13th, 12th, 11th and 10th Streets from WALLACE, MOUNT VERNON, GREEN, to SPRING GARDEN STREETS, with the inclusion of the PECO/EXELON SUBSTATION located approximately on 11th to 12th Streets near Ridge Avenue; as verbally directed by way of a Telephone Communication/Conversation with The Honorable Judge Herbert Smolen's Secretary on Friday, September 27th, 2002, to put this REQUEST in writing, and a FACSIMILE by way of the TELEPHONE is ACCEPTABLE, was sent by way of TELEPHONE FACSIMILE NUMBER ~ 215-560-3133 on this 30th day of September, 2002, to:

THE COMMONWEALTH OF PENNSYLVANIA
PENNSYLVANIA PUBLIC UTILITY COMMISSION
Administrative Law Judge
THE HONORABLE JUDGE HERBERT SMOLEN
1302 Philadelphia State Office Building
1400 West Spring Garden Street
Philadelphia, Pennsylvania 19130
TELEPHONE (215) 560-2105
FACSIMILE (215) 560-3133

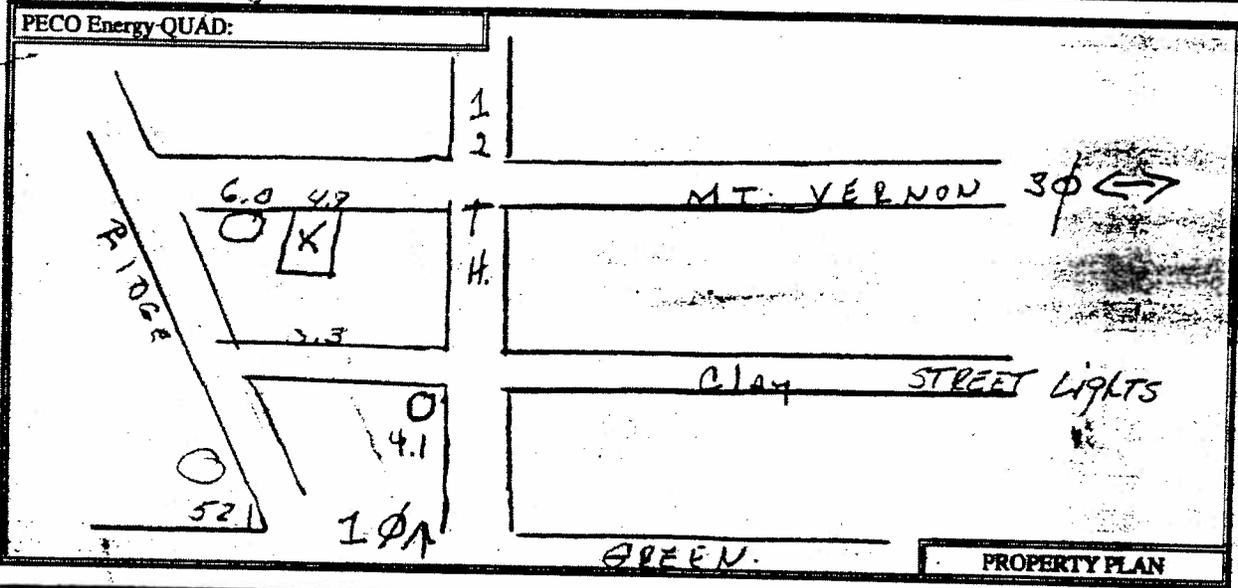
Respectfully Submitted

Betty BL Ricks
PRO SE PLAINTIFF
P.O. Box #8363
Philadelphia, Pennsylvania 19101-8363
(215) 769-8233

PECO Energy Company

RESIDENTIAL MAGNETIC FIELD MEASUREMENT FORM

CUSTOMER NAME	MS. B. RICKS	E/MP CONTACT	C. BOEGGER
ADDRESS	1206 Mt. Vernon St	ADDRESS	680 RIVER PK
CITY, ST, ZIP	Phila. Pa 19123	CITY, ST, ZIP	PLYMOUTH MICH, MI 48172
PHONE	215-769-8233	PHONE	616-941-1593
PECO ACCT.#	22 06 57 104919	METER/SER.#/CAL. DATE	150149
RESIDENCE TYPE/AGE	Row House	DATE/TIME/WEATHER	6/2/02 11:30 A. Cloud



INDOOR AREA	READING (mG)	OUTDOOR AREA	READING (mG)
LIVING ROOM		UNDER TRANSM. LINE	
DINING ROOM		UNDER DISTRIB. LINE	4.4
FAMILY ROOM	NO ENTRY	UNDER SERVICE DROP	3.0
KITCHEN		EDGE OF RIGHT-OF-WAY	3.7
BEDROOM 1	Permitted	EDGE OF PROPERTY	3.8
BEDROOM 2		CENTER OF PROPERTY	4.0
BEDROOM 3		NEAR EDGE OF HOUSE	4.1
BASEMENT		FAR EDGE OF HOUSE	
		Slu RIDGE + GREEN (SCHOOL)	52.1

HOUSEHOLD APPLIANCE	READING - 10 INCH (mG)	READING - 10 FOOT (mG)	READING - 10 YARD (mG)

NOTE: The milligauss (mG) readings shown above were recorded at the specific date and time listed in the upper right-hand corner of data sheet. These values will fluctuate throughout the day and the year, as the demand for electricity changes.

DISTRIBUTION: WHITE - CUSTOMER COPY, YELLOW - OPERATING DIVISION COPY, PINK - MAIN OFFICE COPY, N3-1

To: Ms Penny Williams
 Re: BBKR case w/ PUC

PHILADELPHIA CITY PAPER (027) (RE) (05) 163

Special Advertising Section

Blues

FCO
Why Bother
Get off Dabney
Get off Westwood

The blues is back!!!

The fifth annual Greater Philadelphia Blues Fest kicks off on Thursday, June 7 and runs until Sunday, June 10 at the University of Pennsylvania. Headlining the four-day festival will be four-time Grammy winner and Blues veteran, Dr. John, a.k.a. "the Night Tripper". Accompanying him will be rising blues sensation, Shemekia Copeland, whose latest album "Wicked", earned her both a Grammy nomination and a W.C. Handy award. Also appearing will be Cliff Cliff, a recent favorite on the "Armsdaddy's line-up: Brave New Blues, who played this year's Big City Ball and thrills audiences weekly at the Manayunk Brewery; Ron Kraemer & the Hurricanes, rising stars on the New Jersey blues circuit; and Lea Gilmore, who has been touring the

The Greater Philadelphia Blues Fest was first held in 1997 and past acts have included Blues Queen Koko Taylor, Clarence "Gatemouth" Brown and Joe Louis Walker. The University of Pennsylvania has joined The Partnership CDC as co-presenter of this year's Blues Fest and will host the weekend's events in the newly renovated Perelman Quad and other campus venues. All events are free admission with the exception of the VIP and Sponsor dinner and the main concert featuring Dr. John and Shemekia Copeland. Ticket prices for the concert range from \$30 to \$35 and can be purchased by calling Ticketmaster at 215.336.2000 or by visiting www.ticketmaster.com. Tickets are also available for the pre-concert VIP dinner and can be purchased from The Partnership CDC by calling 215.662.1612

PECO Energy, the Artist Sponsor of this year's Blues Fest, has been a significant supporter of The Partnership CDC for the past six years. PECO Energy is The Partnership CDC's partner in the Philadelphia Plan - a program organized by the Greater Philadelphia Chamber of Commerce that pairs non-profit organizations with local corporations. Since 1994, PECO Energy has donated over \$1.5 million to The Partnership CDC through this program and two members of the PECO staff have served on the organization's board for the past 2 years. In addition, PECO has supported the Blues Fest by obtaining spon-



Dr. John a.k.a. "the Night Tripper"

sorships and selling tickets on The Partnership CDC's behalf. This year, PECO's Vice-President of Regulatory, Communications and External Affairs is serving as the event's Chairman.

FCO

2002 Blues Fest Schedule of Events

Thursday, May 30, 2002

~~Free Event~~

The Palladium, 3601 Locust Walk
Mike Guldin & the Rollin' & Tumblin' Band
6:00 pm - 8:00 pm

Friday, May 31, 2002

~~Free Event~~

Pizza Rustica, 3602 Chestnut Street
The Lou Jerome Blues Band
6:00 pm - 8:00 pm

Saturday, June 1, 2002

~~\$100 VIP Dinner~~ ~~\$120 VIP Dinner & Concert~~

Houston Hall, 34th & Spruce Streets
Silent Auction & Raffle

Performances by:

Eric Stickle & Brave New Blues ~~_____~~

6:00 pm - 8:00 pm

Saturday, June 1, 2002

~~835 Balcony~~ ~~638 Floor~~

Main Event

Irvine Auditorium, 34th & Spruce Streets

Opening Performance: Little Milton

Headliner: Delbert McClinton

8:00 pm - ??

Ticketmaster has all tickets. Call 215-336-2000 or visit ticketmaster.com

Questions can be answered from our website
www.greaterphillybluesfest.com





PHILADELPHIA ZOO



*PECO
Primate Reserve*

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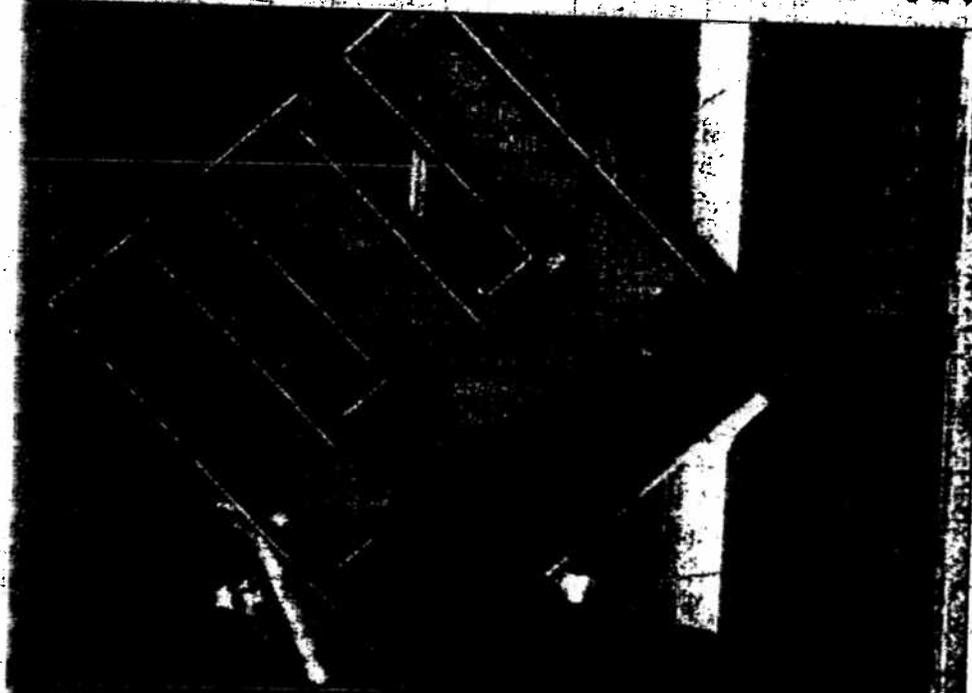
Lay could testify, may cause legal problems for him

WASHINGTON — Former Enron chairman Kenneth Lay could testify in a Senate hearing Tuesday, a week after pulling out of two scheduled appearances when news of Enron's bankruptcy had already been announced in criminal activity.

Lay's spokeswoman said Friday he hasn't decided what to do about his scheduled testimony, but Sen. Byron Dorgan, founder of a committee that Lay would answer questions.

It is customary for witnesses to inform a congressional panel if they intend to invoke their Fifth Amendment right against self-incrimination, and they are not doing so at this point," said Dorgan, citing discussions between lawyers for Lay and the Senate Committee Chairman.

"Ken Lay is still weighing his options for how he will handle the hearing on Tuesday," said congressman Jody Kilmer. Lay testified last Sunday in a guilty plea, which included a \$100 million fine, after a three-day trial in which Lay was accused of conspiring with Enron's top executives on TV talk shows about alleged originality, including one in which Lay had to know Enron was a giant pyramid scheme. Lay's testimony, legal experts said that Tuesday's House testimony by former Enron chief executive officer Jeffrey Skilling could have serious legal consequences.



A worker polishes the Enron emblem, in front of the Enron headquarters building in Houston. AP PHOTO/ HOUSTON CHRONICLE, MISTY R. DEAN

before a House subcommittee, Skilling said he knew few details about the web of partnerships that brought the company to ruin, and the former CEO insisted he was never warned of problems with the partnerships.

Skilling was contradicted by Enron treasurer Jeff McMahon and was questioned by congressmen who said they didn't believe Skilling's story. The former CEO

Threatened suit puts comptroller general in spotlight

WASHINGTON — Accustomed to taking orders, Comptroller General David M. Walker put the spotlight on his congressional watchdog agency with a threat to sue Vice President Dick Cheney for papers about partnerships with Enron and other energy companies.

"This is not something I sought," says the former Arthur Andersen partner who worked for two Republican presidents but was named head of the General Accounting Office by a Democrat.

"I've got a job to do and I need to do my job."

Right now, the 50-year-old Walker says that legislatures taking the White House to court, if necessary, to make officials identify the industry executives — including some from now-collapsed Enron Corp. — who met last year with President Bush's energy task force.

Such a lawsuit, which could come as early as next week, would be the GAO's first against part of the federal government to get documents it wants. A reason it never has had to resort to lawsuits before is its just-the-facts approach to cutting federal budgets, earning it the name of premier arbiter of what's true and what's not. Few have the authority to challenge it.

The dispute began last April but gained political traction when Enron, the largest single corporate beneficiary of Bush's political career, entered into the biggest U.S. bankruptcy ever on Dec. 2.

Bush has refused to hand over documents from the Cheney-chaired task force that formulated a national energy policy, saying to do so would encroach on his

Also sending you copy of my "Respect Flyer" Original 1994, very excellently used to dissuade Albin Owsen, Director of NAEP.



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Rumor Mill News Reading Room Forum

Lawsuit Electrifies California Energy Crisis

Posted By: All_The_Info

Date: Thursday, 11 October 2001, 2:12 a.m.

In Response To: Daschle Stops Panel's Consideration of Energy Bill
(All_The_Info)



Lawsuit Electrifies California Energy Crisis

Davis administration faces charges of secrecy, conflicts of interest

By Joel Miller
WorldNetDaily.com

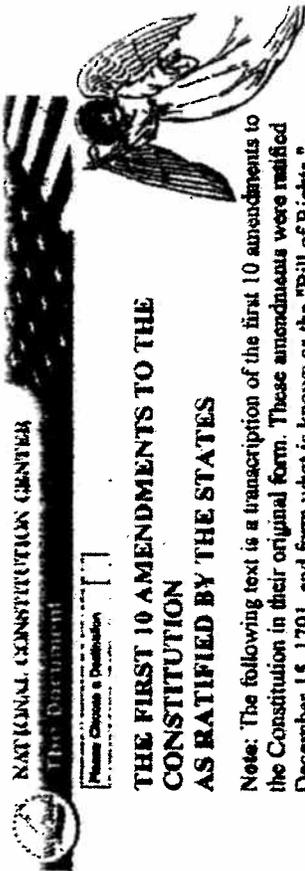
California is staring down the business end of a lawsuit that could jeopardize Gov. Gray Davis' plan to provide long-term power to the energy-bereft state.

Faced with a major power crisis earlier this year, Davis negotiated a slew of long-term contracts with energy providers to guarantee electricity for the state. And while many argue the move saved the Golden State's power industry, others contend it was not without its share of malfeasance and victims.

According to a claim filed last week by the United States Justice Foundation against various players in the energy deals, including Davis, "These contracts would and did foreseeably place additional financial burdens on all taxpayers within the State of California and had a disproportionate impact on senior citizens, the physically disabled and other disadvantaged Californians," including companies forced to pay higher rates to the detriment of their businesses.

USJF plans to file a class-action lawsuit on behalf of these groups in particular and, in general, on behalf of any Californian who has financially suffered in the last six months because of the high-priced contracts.

"They're ripping off California's energy consumers," USJF's lead litigator Richard Ackerman told WorldNetDaily. "That's the bottom



THE FIRST 10 AMENDMENTS TO THE CONSTITUTION AS RATIFIED BY THE STATES

Note: The following text is a transcription of the first 10 amendments to the Constitution in their original form. These amendments were ratified December 15, 1791, and form what is known as the "Bill of Rights."

Amendment I

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.

Amendment II

A well regulated Militia, being necessary to the security of a free State, the right of the people to keep and bear Arms, shall not be infringed.

Amendment III

No Soldier shall, in time of peace be quartered in any house, without the consent of the Owner, nor in time of war, but in a manner to be prescribed by law.

Amendment IV

The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

Amendment V

No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury, except in cases arising in the land or naval forces, or in the Militia, when in actual

service in time of War or public danger; nor shall any person be subject for the same offence to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation.

Amendment VI

In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the Assistance of Counsel for his defence.

Amendment VII

In suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved, and no fact tried by a jury, shall be otherwise reexamined in any Court of the United States, than according to the rules of the common law.

Amendment VIII

Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

Amendment IX

The enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people.

Amendment X

The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.

- Preamble
- Text
- Amendments 11 - 27



EXHIBIT “4”

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

MICHAEL SWERLING

NOV - 7 2008

SysTAO Betty BL Ricks	:	
v.	:	F-2008-2060646
PECO Energy Company	:	
&	:	
Sporty Smith	:	
v.	:	F-2008-2059928
PECO Energy Company	:	

ORDER CONSOLIDATING PROCEEDINGS

I. **BACKGROUND**

On August 19, 2008, SysTAO Betty BL Ricks (Complainant or Ms. Ricks) filed a Formal Complaint against PECO Energy Company (Respondent, PECO, or the Company) with the Pennsylvania Public Utility Commission (Commission) at Docket No. F-2008-2060646. In her Complaint, Ms. Ricks alleged that the Company was unreasonably refusing to investigate "master metering"¹ at her residence (1206 Mt. Vernon Street, 1st Floor, Philadelphia, PA 19132) and that she was being charged for her neighbors' usage. The attached documents also indicated concerns about high electromagnetic field (EMF) readings, automated meter installation, and failure of the Company to provide refunds for a malfunctioning meter in the 1980's.

¹ Foreign wiring or foreign load is defined as utility service provided to others but for which a customer is being billed. James David Harman v. PPL Electric Utilities Corporation, Docket No. C-20031793, Final Order entered September 8, 2004, acknowledging finality of ALJ Weismandel's Initial Decision. An allegation of "master metering" is, in effect, an allegation of foreign wiring or foreign load.

EXHIBIT
RECEIVED

Also on August 19, 2008, Betty Ricks and Sporty Smith, her son, filed a Formal Complaint against PECO with the Commission at Docket No. F-2008-2059928. In that Complaint, Ms. Ricks and Mr. Smith alleged that utility bills at the premises (1206 Mt. Vernon Street, 1st Floor, Philadelphia, PA 19132) dating back to 1988 show usage discrepancies and that there is a “draw” of electric usage on their line even when the electric was turned off.² The Complaint at Docket No. F-2008-2059928 was captioned as “Sporty Smith v. PECO Energy Company” because only Mr. Smith had signed the Complaint and Ms. Ricks had filed her own Complaint on the same day at Docket No. F-2008-2060646 involving the same subject matter.

PECO filed Motions for Judgment on the Pleadings with respect to both Complaints, primarily on the grounds of res judicata and collateral estoppel. By Interim Order dated October 28, 2008, at Docket No. F-2008-2060646, I granted PECO’s Motion for Judgment on the Pleadings as to all issues therein except for the foreign wiring issue. Also, by Interim Order dated October 29, 2008, at Docket No. F-2008-2059928, I denied PECO’s Motion for Judgment on the Pleadings as to the foreign wiring issue. Thus, the foreign wiring matter remains for litigation.

In both its Motions for Judgment on the Pleadings, PECO had requested consolidation, in the alternative, if hearings were to be held, because the two complaints involved the same parties and common issues of fact. In their Reply to the Motion for Judgment on the Pleadings at Docket No. F-2008-2059928, both Ms. Ricks and Mr. Smith agreed to the consolidation of the two cases. See, Reply, ¶28.

By Motion Judge Assignment Notices dated October 7, 2008, I was assigned as the presiding officer to address issues arising during the preliminary phases of these two proceedings. Because PECO moved for consolidation of the cases as part of its preliminary Motions for Judgment on the Pleadings, I will address its request at this time.

² The allegation of the Complainants that there was a “draw” but no electric usage in the premises appears to be an allegation of “foreign load” or “foreign wiring.”

II. DISCUSSION

Commission regulations at 52 Pa. Code §5.81(a) authorize presiding officers to consolidate proceedings, with or without motion, where there are common questions of law or fact. A further consideration in consolidation is the avoidance of unnecessary costs or delay.

I conclude, based upon an examination of the pleadings in these cases and the statements of the parties, that there clearly are common questions of law and fact. Furthermore, I agree that consolidation serves the interests of judicial economy and avoids the unnecessary costs of duplicative litigation. Accordingly, I will grant the consolidation request.

III. ORDERING PARAGRAPHS

THEREFORE,

IT IS ORDERED:

1. That the Formal Complaint of SysTAO Betty BL Ricks against PECO Energy Company at Docket No. F-2008-2060646 is consolidated, for purposes of hearing and decision, with the Formal Complaint of Sporty Smith against PECO Energy Company at Docket No. F-2008-2059928.
2. That the caption of these cases shall include both Complainants and docket numbers, from this point forward.



3. That a hearing will be scheduled to resolve the remaining issue common to both of these consolidated cases, and that the parties will be notified in the future of the day, date, time and location of the hearing.

Date: October 30, 2008

Kandace F. Melillo
Kandace F. Melillo
Administrative Law Judge



F-2008-2059928 SPORTY SMITH v. PECO ENERGY COMPANY
F-2008-2060646 SYSTAO BETTY BL RICKS v. PECO ENERGY COMPANY

SPORTY SMITH
1206 MOUNT VERNON STREET
PHILADELPHIA PA 19123
215.769.8233

BETTY BL RICKS
1206 MOUNT VERNON STREET
FIRST FLOOR
PHILADELPHIA PA 19123
215.769.8233

MICHAEL SWERLING ESQUIRE
PECO ENERGY COMPANY
2301 MARKET STREET
S23-1
PHILADELPHIA PA 19101-8699
215.841.6841



EXHIBIT "5"

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Sporty Smith

v.

F-2008-2059928

PECO Energy Company

INITIAL DECISION

Before
Darlene D. Heep
Administrative Law Judge

HISTORY OF THE PROCEEDING

On August 19, 2008, SysTAO Betty BL Ricks ("Ricks" or "Complainant") filed a complaint with the Pennsylvania Public Utility Commission ("Commission") against PECO Energy Company ("PECO" or "Respondent") at Docket No. F-2008-2060646. The Complainant alleged the following: that there are incorrect charges on the bills for service at 1206 Mt. Vernon Street, Philadelphia, PA; that there is a reliability, safety or quality problem with the utility service; that she received a notice that her utility service was being terminated; that she has a vision disability; that the Company was unreasonably refusing to investigate "master metering" at her residence, 1206 Mt. Vernon Street, 1st Floor, Philadelphia, PA; and that she was being charged for her neighbors' usage. Documents attached to the complaint indicated that Ms. Ricks was concerned about high electromagnetic field (EMF) readings, automated meter installation, and the failure of the Company to provide refunds for a malfunctioning meter in the 1980's.

On August 19, 2008, Sporty Smith ("Smith" or "Complainant"), son of Ms. Ricks, filed a complaint with the Pennsylvania Public Utility Commission ("Commission")

against PECO Energy Company ("PECO" or "Respondent") at Docket No. F-2008-2059928. The Complaint lists both Ms. Ricks and Mr. Smith as Complainants. Mr. Smith alleged the following: that there are incorrect charges on the bills for service at 1206 Mt. Vernon Street, Philadelphia, PA; that there is a reliability, safety or quality problem with the utility service; that the meter was registering load which was not coming from usage in the home (i.e. "foreign load"); and that this situation had been continuing since 1988. Mr. Smith requested that the Respondent identify and correct all electrical problems at 1206 Mt. Vernon Street and remove from the bill the charges for electric usage associated with "foreign load."

On September 19, 2008, the Respondent, through its counsel, filed an Answer. In its Answer, the Respondent denied that there were incorrect charges on the bills or that there is a reliability, safety or quality problem with the utility service. The Respondent stated that although Ms. Ricks did not check the box on the complaint regarding a payment arrangement, she seems to be disputing the recent Bureau of Consumer Services ("BCS") decision which relates to a payment arrangement. The Respondent argued that the Complainant was not entitled to a Commission ordered payment agreement because she is enrolled in the Respondent's Customer Assistance Program ("CAP").

The Respondent also requested that Ms. Ricks' complaint be dismissed because she had violated previous BCS-ordered payment arrangements and because the latest complaint was an attempt to re-litigate previously decided issues. Referring to two BCS decisions, dated April 13, 2007 and July 14, 2008, Respondent noted that because Complainant Ricks had violated the terms of the previous BCS agreements, the Commission could not order yet another payment arrangement.

In support of its position, Respondent noted that three letters attached to Ms. Ricks' complaint related to a prior formal complaint, filed on November 9, 2001, Docket No. C-20016480. Administrative Law Judge Herbert Smolen presided over a hearing on that previous complaint and dismissed it in his Initial Decision, dated November 12, 2002. The Commission adopted ALJ Smolen's decision on January 13, 2003.

On September 19, 2008, Respondent also filed a New Matter. In the New Matter, the Respondent raised an affirmative defense that the Complainant was not entitled to a Commission ordered payment arrangement because the Complainant was enrolled in the Respondent's CAP program, citing Section 1405(c) of the Public Utility Code, 66 Pa. C. S. § 1405(c). The Respondent also raised an affirmative defense that the Complainant was attempting to re-litigate the issues (overbilling, improper slamming, foreign wiring and service reliability) decided in her previous formal complaint at Docket No. C-20016480. The Respondent requested that the complaint be dismissed under the doctrines of res judicata and collateral estoppel.

In addition to the Answer and New Matter, on September 19, 2008, the Respondent filed a Motion for Judgment on the Pleadings, or, in the alternative, a Motion to Consolidate. In support of its request for Judgment on the Pleadings, the Respondent averred the same facts alleged in the New Matter concerning the Commission's inability to establish a payment arrangement and the Complainant's alleged attempt to renew the issues that were previously litigated at Docket No. C-20016480. The Respondent again argued that the doctrines of res judicata and collateral estoppel are applicable. As alternative relief, the Respondent sought consolidation of the Smith and Ricks matters.

On October 5, 2008, Mr. Smith and Ms. Ricks filed an Answer to New Matter and Reply to Motion for Judgment on the Pleadings. On October 7, 2008, the Respondent's Motions were assigned to Administrative Law Judge Kandace F. Melillo.

After review of the record, ALJ Melillo concluded that the doctrine of res judicata was not applicable to the foreign wiring cause of action. She stated that the Initial Decision dealt specifically with the issue of potential overcharging due to meter malfunction rather than the potentiality that the usage, while properly measured, included foreign load. As Respondent had the burden of proof with respect to its affirmative defense of res judicata, and it did not appear that the claim of foreign wiring was decided on the merits, PECO's Motion for Judgment on the Pleadings as to foreign wiring on the grounds of res judicata was denied. In addition, ALJ Melillo determined that collateral estoppel would not preclude litigation of the foreign wiring

issue in the instant case. She found that there is no indication that this issue was decided on the merits at Docket No. C-20016480 as there were no related findings of fact or discussion. Therefore, as PECO did not meet its burden of proof with respect to its affirmative defense of collateral estoppel, by Order dated October 29, 2008, ALJ Melillo denied the Respondent's Motion for Judgment on the Pleadings.

Mr. Smith and Ms. Ricks agreed that the two complaints should be consolidated. See, Reply to Motion for Judgment on the Pleadings, ¶36. By Order dated October 29, 2008, ALJ Melillo consolidated the two proceedings.

The consolidated cases were assigned to ALJ Cynthia Williams Fordham. At the request of Ms. Ricks, the January 2009 hearing was continued and rescheduled to June 3, 2009. By Order dated May 27, 2009, ALJ Fordham granted Sporty Smith's May 22, 2009 continuance request.

In Order #6, dated June 2, 2009, the complaint filed by Mr. Smith at Docket No. F-2008-2059928 was severed from the complaint filed by Ms. Ricks at Docket No. F-2008-2060646. Subsequently, SysTAO Betty BL Ricks asked to withdraw her complaint filed at Docket No. F-2008-2060646.

Ms. Ricks requested that the scheduled June 3, 2009 hearing be continued due to medical reasons. Her request was granted.

Ms. Ricks' request to withdraw her complaint, Docket No. F-2008-2060646, was granted on June 10, 2009 and the record marked closed on June 25, 2009.

On January 28, 2010, a Hearing Notice was sent to all parties, informing them that the hearing would be held on March 2, 2010 at 10 a.m. Order #7, dated February 2, 2010, stated that the March 2, 2010 hearing would address the foreign wiring issue and related matters contained in Mr. Smith's complaint.

On February 24, 2010, Complainant faxed to the undersigned a request for continuance. He stated that he had to attend "community court" and that his mother could not attend the hearing because of the cold weather. PECO objected to the continuance, noting, among other things, that Complainant had requested and was granted several previous continuances. Order #8, issued on February 26, 2010, denied Complainant's request for a continuance.

On March 2, 2010, a hearing was held before Administrative Law Judge Cynthia Williams Fordham. The Complainant, Sporty Smith, testified in support of the complaint. He presented two (2) exhibits: Complainant's Exhibit 1 – Packet of bills (Large Font), and Complainant's Exhibit 2 – Packet of bills (Regular Font); and two witnesses: Betty Ricks, his mother, who resides at the address that is the subject of the complaint, and Patricia Fennel, PECO Customer Care Unit Supervisor. Tishekia Williams, Esquire, represented Respondent PECO Energy Company. The Respondent presented two (2) witnesses: Theresa Ann Ferrier, PECO Regulatory Assessor, and Eric Riley, PECO High Bill Field Technician. Respondent also presented three (3) exhibits: PECO Exhibit 1 – Account Statement, PECO Exhibit 2 – High Bill Investigation, and PECO Exhibit 3 – Account Contact Form. All exhibits were admitted.

As the hearing began, the Respondent presented a written objection to a subpoena for the attendance and testimony of Patricia Fennel, PECO Customer Care Unit Supervisor. The subpoena is dated 26 Feb 2010 and on the signature line, above "Administrative Law Judge," there is a signature "for Cynthia Williams Fordham." ALJ Fordham did not sign the document or authorize the signature.

Respondent objected to the subpoena on the grounds that the subpoena was 1) fraud (with reference to the signature), 2) untimely (presented only two days before the hearing) and 3) procedurally improper (not in compliance with 52 Pa. Code Section 5.421).

When questioned about the subpoena, Complainant stated that he called the PUC offices and was instructed to download the subpoena form from the website, complete the

information and prepare four copies. (Tr. 4) The Complainant further stated that he did not receive a copy of Respondent's written objections to the subpoena.

The subpoena was determined invalid; however, Ms. Fennell was ultimately presented by PECO and allowed to testify during the hearing, including under the cross-examination of the Complainant.

Complainant requested that the PECO witnesses be sequestered. That request was denied. (Tr. 20-21).

During the course of the hearing, Complainant raised a new issue, namely, that the Respondent had incorrectly charged late payment fees for June and July of 2007. Near the close of the hearing, Respondent requested that the record be held open to allow submission of complete unmarked copies of partial statements introduced by the Complainant and to provide information regarding the late payment charges. PECO was allowed until March 12, 2010 to provide this additional information. Complainant was given until March 26, 2010 to provide a response and any other pertinent documents. (Tr. 112).

PECO submitted additional records on March 11, 2010. PECO Exhibit 4 is a complete copy of the original bills sent to Complainant from March 2009 to December 2009. PECO Exhibit 5 is a sworn statement made by Ms. Ferrier after review of the late charges imposed upon the Complainant in July and August of 2007.

Complainant submitted no additional information, responses or documents by the March 26, 2010 deadline. On April 16, 2010, the Commission received Complainant's Motion for a Mistrial, an objection to PECO Exhibits 4 and 5 and a Motion to Strike PECO Exhibits 4 and 5. The record was closed.

This matter was transferred to Administrative Law Judge Darlene Heep on February 13, 2012.

FINDINGS OF FACT

1. The Complainant is Sporty Smith, the son of Ms. SysTAO Betty BL Ricks.
2. The Respondent is PECO Energy Company.
3. The Complaint is concerning services at 1206 Mount Vernon Street, Philadelphia PA 19123. (Tr. 24)
4. Mr. Smith and Ms. Ricks resided at the Mount Vernon Street residence during the relevant time periods. (Tr. 23-25, 58)
5. At the time of the hearing, according to PECO records, the balance owed by the Complainant was \$7,885.32. (PECO Exhibit 4)
6. On June 12, 2008, PECO employees Pat Fennel and Eric Riley visited the Mount Vernon home to investigate possible foreign wiring. (Tr. 24)
7. Prior to the visit, Ms. Ricks spoke with Ms. Fennel by telephone about high bills and possible foreign load or wiring. (Tr. 25)
8. While visiting the residence, Mr. Riley noted and listed all of the appliances and electrical outlets in order to calculate and estimate usage at the residence. (Tr. 27, 36-37)
9. After calculating the approximate number of kilowatts used in the household, Mr. Riley found that the kilowatt hours on the bill were slightly higher than the calculated estimate. (Tr. 27)

10. The proper voltage for the home should have been about 240 volts; however, the actual measurement was 243, within an acceptable range of error. (Tr. 84-85, PECO Exhibit 2)

11. Upon the request of Ms. Ricks, Riley and Fennel observed and tested the meter located in the basement. (Tr. 27)

12. Prior to removing and testing the meter, Mr. Riley shut off all circuits in the house. (Tr. 28)

13. After shutting off all breakers to the house, Mr. Riley measured 5 volts of load, electricity in the wire or box. (Tr. 85, PECO Exhibit 2)

14. At the time of the inspection, Mr. Riley noted that he did not know where the load was coming from but opined that it was possibly residual usage. (Tr. PECO Exhibit 2, Page 2)

15. The residual load does not affect the bill. (Tr. 86)

16. Mr. Riley did not enter the third floor of the house and therefore has no knowledge of outlets, appliances or other possible sources of usage on that level. (Tr. 87)

17. Complainant and Ms. Ricks asked Mr. Riley about possible underground wiring. (Tr. 87).

18. Mr. Riley stated that he would be unable to determine whether there was any wiring underground. (Tr. 87)

19. Mr. Riley found no tampering of wires, including from the property next door, and no foreign wires attached to the aerial wires leading to the house. (Tr. 87, PECO Exhibit 2)

20. On January 20, 2009, representatives from the PECO Revenue Inspection Department visited the property and found no one tapping into the account and no foreign wires. (PECO Exhibit 3).
21. Where a customer is on budget billing, bills issued and sent to the customer show the total amount due as well as the amount owed for each budget billing payment due but not paid. (Tr. 64-74)
22. PECO placed Complainant on budget billing for two months, June and July of 2007, at \$165 per month, based on the usage for the previous 12 months. (Tr. 63, 76)
23. Two charges for \$165 each appear on the bills issued to Complainant as "Budget bill charges from previous bill." (Complainant Exhibit 2; PECO Exhibit 4).
24. On July 3, 2007, Respondent charged Complainant a late payment fee of \$84.69. (PECO Exhibit 1)
25. On August 8, 2007, Respondent charged Complainant a late payment fee of \$47.64. (PECO Exhibit 1)
26. The late payment charges in July and August of 2007 were for the previous months, June and July of 2007. (PECO Exhibit 5)
27. PECO determines the monthly amount charged in budget billing by adding the amount billed for the previous 12 months and dividing that total by 11. (Tr. 77)
28. Kilowatt hours expended at the home showed typical seasonal usage. (Tr. 88)

DISCUSSION

In addition to the question of whether the Complainant should prevail on the initial claim, evidentiary and procedural issues must be addressed.

LATE FILED EVIDENCE

Complainant objects to the admission of the Respondent's late-filed documents, contending that he does not have the opportunity to cross-examine Ms. Ferrier regarding the late-filed documents. The documents at issue are complete copies of partial bills presented by the Complainant (PECO Exhibit 4) and a statement as to why there were late payment charges when the account was on budget billing in June and July of 2007 (PECO Exhibit 5).

Admission of evidence should not be confused with the weight given to that evidence. Title 52 Pa. Code § 5.404(a) provides:

§ 5.404. Additional evidence

(a) At any stage of the hearing or thereafter the Commission or the presiding officer may call for further admissible evidence upon an issue and require that the evidence be presented by the parties concerned, either at the hearing or at the adjournment thereof.

PECO Exhibit 4 is a complete unmarked copy of billing documents introduced by Complainant. Admission of these documents ensures a complete and accurate record. Additionally, given that Complainant had not specified the late fee issue in his complaint or at any time prior to the hearing, it is appropriate to allow PECO to respond to that claim with the Exhibit 5 explanation.

Complainant was given time to respond to the late-filed exhibits of Respondent. In response, Complainant asked for a mistrial and that PECO Exhibits 4 and 5 be stricken. He did not contend that the complete bills filed by Respondent were inaccurate. Also, during the

hearing, Complainant had and took full advantage of ample opportunity to cross-examine Ms. Ferrier about the bills. Further, there is no showing that Complainant would be deprived of due process if the statement is admitted.

Given these reasons and the record, as more fully discussed herein, admission of both PECO Exhibits 4 and 5 is appropriate.

MOTION TO STRIKE

Complainant moved to strike PECO Exhibits 4 and 5. PECO Exhibit 4 contains customer records kept in the usual course of business admissible under Pennsylvania Rules of Evidence, Rule 803(6). PECO Exhibit 5 is Ms. Ferrier's written explanation for the late fees charged for June and July of 2007. Complainant raised the late fee issue for the first time during the hearing and thoroughly cross-examined Ms. Ferrier regarding those fees. Nothing in PECO Exhibit 5 is beyond the scope of Ms. Ferrier's testimony at the hearing or Complainant's questioning of Ms. Ferrier during the hearing.

In his response to the filing of PECO Exhibits 4 and 5, Complainant did not note any specific issues or subjects for further or new cross-examination. There is no prejudice to Complainant in admitting the exhibits. See, Collins v. SmithKline Beecham Corp., 2008 Phila. Ct. Com. Pl. LEXIS 57 (Pa. C.P. 2008). For these reasons, as well as those stated above for admission of the evidence, the Motion to Strike is denied.

MOTION FOR MISTRIAL

Complainant is seeking a mistrial, contending that he is not able to cross examine Ms. Terrier on her statement submitted as PECO Exhibit 5 or the complete bills submitted as PECO Exhibit 4.

PRACTICE AND PROCEDURE OF COMMONWEALTH AGENCIES, 2 Pa.C.S. § 505 provides:

§ 505. Evidence and cross-examination.

Commonwealth agencies shall not be bound by technical rules of evidence at agency hearings, and all relevant evidence of reasonably probative value may be received. Reasonable examination and cross-examination shall be permitted.

Complainant is essentially seeking a rehearing. A petition for rehearing must seek the reopening of the record for the introduction of additional evidence, newly discovered evidence, "not discoverable through the exercise of due diligence prior to the close of the record." Peluso v. Pennsylvania Power Company, 2011 Pa. PUC LEXIS 275 (Pa. PUC 2011). Further, an appeals court will not reverse a denial of a new hearing unless there is evidence that "(1) is new; (2) could not have been obtained at trial in the exercise of due diligence; (3) is relevant and non-cumulative; (4) is not for the purposes of impeachment; (5) and must be likely to compel a different result." Hydro-Flex, Inc. v. Alter Bolt Company, Inc., 223 Pa. Superior Ct. 228, 232, 296 A.2d 874, 877 (1972)

There is no basis for a rehearing in this matter. The record shows no prejudice or bias against the Complainant. The Complainant does not offer new evidence and only seeks to attempt to impeach Ms. Ferrier. Complainant was provided ample opportunity to question, raise any issue or otherwise respond to PECO Exhibits 4 and 5. Nothing in the objection or the record suggests that a different result will be compelled should a new hearing or mistrial be granted, as more fully discussed herein. Therefore, the Motion for Mistrial is denied.

BURDEN OF PROOF and ANALYSIS

The issues remaining are 1) whether Respondent overcharged Complainant due to foreign load, improper late fees or any other reason and 2) whether there is a reliability, safety or quality problem with the utility service.

Section 332(a) of the Public Utility Code, 66 Pa. C.S. §332(a), provides that the party seeking relief from the Commission has the "burden of proof." "Burden of proof" is a duty to establish a fact by a "preponderance of the evidence." The term "preponderance of the

evidence” means that one party has presented evidence which is more convincing, by even the smallest amount, than the evidence presented by the other party. Se-Ling Hosiery v. Margulies, 364 Pa. 54, 70 A.2d 854 (1950). In other words, “preponderance” is not dependent on the number of witnesses testifying on either side but rather on the credibility of the testimony in the light of all the evidence in a case. Burch v. Reading Co., 240 F.2d 574 (3d Cir. 1957) cert. denied, 353 U.S. 965 (1957). The Pennsylvania Supreme Court has characterized a preponderance of the evidence as tantamount to a “more likely than not” inquiry. Commonwealth v. \$6,425 Seized From Esquilin, 583 Pa. 544, 555, 580 A.2d 523, 529 (2005).

In order to prevail, Complainant's evidence must be more convincing, by even the smallest amount, than that presented by PECO. Se-Ling Hosiery v. Margulies, 364 Pa. 45, 70 A.2d 854 (1950). Additionally, the decision must be supported by substantial evidence in the record. More is required than a mere trace of evidence or a suspicion of the existence of a fact sought to be established. Norfolk & Western Ry. Co. v. Pa. PUC, 489 Pa. 109, 413 A.2d 1037 (1980).

Any offense alleged by the Complainant must be a violation of the Public Utility Code, the Commission's regulations, or an outstanding order of the Commission. 66 Pa. C.S. § 701. The code requires that:

Every public utility shall furnish and maintain adequate, efficient, safe, and reasonable service and facilities, and shall make all such repairs, changes, alterations, substitutions, extensions, and improvements in or to such service and facilities as shall be necessary or proper for the accommodation, convenience, and safety of its patrons, employees, and the public. Such service also shall be reasonably continuous and without unreasonable interruptions or delay. Such service and facilities shall be in conformity with the regulations and orders of the commission.

66 Pa.C.S.A. § 1501. The statutory definition of "service" is to be broadly construed. Country Place Waste Treatment Co., Inc. v. Pa. Publ. Util. Comm'n, 654 A.2d 72 (Pa. Cmwlth. 1995). "Service, used in its broadest and most inclusive sense, includes any and all acts done, rendered, or performed, and any and all things furnished or supplied, and any and all facilities used, furnished, or supplied by public utilities, or contract carriers by motor vehicle, in the performance of their duties under this part to their patrons, employees, other public utilities, and the public, as well as the interchange of facilities between two or more of them . . ." 66 Pa. C.S.A. § 102.

Where a Complainant alleges inadequate service due to overbilling, the Complainant has the burden of establishing a *prima facie* case that he was overcharged for service. This can be accomplished in a number of ways, including showing that: (1) the number of occupants in a household has not changed; (2) the potential for energy utilization was low and (3) the complainant's prior billing history showed no previous abnormalities, then the complainant has established a *prima facie* case. Dyckman v. PPL Electric Utilities Corporation, Docket No. C-20030661 (Order entered December 16, 2004); Waldron v. Philadelphia Electric Company, 54 PA PUC 98 (1980); Replogle v. Pennsylvania Electric Company, 54 PA PUC 528 (1980); Burleson v. Pa. P.U.C., 501 Pa. 433, 435-36, 461 A.2d 1234, 1235 (1983). The Commission may also consider the billing history of the account, any change in usage pattern or any other relevant facts or circumstances that come to light during the proceeding. Bennett v Peoples Natural Gas Co., Docket No. C-2009-212979 (Order entered October 13, 2010); Thomas v PECO Energy Co., Docket No. C-2010-2187197 (Order entered November 15, 2011). Given that the utility is usually solely in possession of any evidence that there was a meter or other utility facility malfunction, consideration of these factors protects the Complainant from dismissal because of lack of direct proof.

Where a "foreign load" is alleged as the cause of high billing, Complainant must show that he is being charged for utility service that is not solely related to utility services to him or her. Ali Hossain v. Philadelphia Gas Works, 2011 Pa. PUC LEXIS 656, 12-13 (Pa. PUC 2011) citing Mary M. Sobota v. Equitable Gas Company, Docket No. C-00981661, 1999 Pa.

PUC LEXIS 67 (October 18, 1999), Elizabeth Santos v. Metropolitan Edison Company, Docket No. C-00967757, (Order entered August 7, 1997).

Once the complainant has established a *prima facie* case, the burden shifts to the utility to rebut with evidence that is at a minimum co-equal. Waldron, supra. If the utility presents a sufficient rebuttal, the burden then shifts back to the Complainant to rebut the utility's evidence by a preponderance of the evidence. Poorbaugh v. West Penn Power Company, 1994 Pa. PUC LEXIS 95.

FOREIGN LOAD

Complainant has not established a *prima facie* case on the foreign load issue. Both Complainant and Ms. Ricks suspected that there was foreign load or foreign wiring to their property. While Ms. Ricks recalls that Mr. Riley found foreign wiring (Tr. 27-28), the evidence is contrary to her memory. Nothing in the record supports a finding that there is foreign load at play here.

Calculations performed by Mr. Riley to estimate usage at the residence were within 3 volts of the actual usage, an acceptable 2% margin of error. Further, this residual load was not shown to be unrelated to the Complainant's service. Mr. Riley also testified that he found no foreign wiring or tampering. (Tr. 87). The contemporaneous written record at the time of the inspection also notes that no foreign wiring was detected. (PECO Exhibit 2). The PECO Revenue Inspection Department also later confirmed this observation. (PECO Exhibit 5). Consequently, Complainant did not meet his burden of proof regarding foreign load.

BILLING

Complainant has also not established a *prima facie* case with respect to billing. There are two charges for \$165 on each of Complainant's June 2007 and July 2007 bills. Complainant questions why he was charged \$165 twice in each month, particularly given that "actual" usage charges for these months were less than \$100.

The testimony of Ms. Ferrier was that Complainant was placed on budget billing for two months in 2007, June and July, and then removed from the program. (Tr. 70-73). One \$165 notation on the bill represented the amount owed for the current month and the other the amount owed but not paid for a previous month. The Complainant was not charged twice for the previous month.¹ Ms. Ferrier further stated that the \$165 per month budget billing amount was determined by taking the previous twelve months of bills, adding them and dividing that amount by eleven. (Tr. 77) Complainant did not question that calculation. Given this, there is no evidence to support a finding that this billing was in error and therefore Complainant has not presented a *prima facie* case with respect to the \$165 notations or the budget billing and cannot prevail here.

A *prima facie* case was established with respect to late charges. Complaint was placed on budget billing in June and July of 2007. Ms. Terrier testified that there are "no late charges assessed while you are on the budget." (Tr. 79). And yet, PECO Exhibit 1 shows that on July 3, 2007, Respondent charged Complainant a late payment fee of \$84.69 for June 2007 and, on August 8, 2007, Respondent charged Complainant a late payment fee of \$47.64 for July 2007.

As Complainant established the *prima facie* case on this issue, the burden then shifted to the Respondent. Ms. Terrier testified that PECO does not charge late fees when a customer is on a budget plan. PECO Exhibit 5 states that "late fees are not assessed to the budget deferred balance" but upon an "outstanding balance." However, the statement submitted as PECO Exhibit 5 does not clarify the contradiction between the hearing stated policy and the actual bills sent to the Complainant. It also does not distinguish the Complainant's deferred versus outstanding balance and how it was determined. PECO did not explain why or how the calculations were applied in this case. Consequently, Complainant prevails on the issues of late fees for June and July of 2007.

¹ PECO should consider revising the manner in which it represents that a budget billing amount was not paid and still owed as the current method can be confusing to the average customer.

OTHER SERVICE ISSUES

Other than as discussed above, there is no evidence to support any other claims regarding reliability, safety or quality of the service and therefore no *prima facie* case was established. PECO was responsive to Complainant's concerns about possible foreign load or wiring and sent representatives on two separate visits to inspect and look for potential problems. Also, based on the testimony and the record, it appears that some of the problems were due to misunderstandings that were clarified during the hearing, e.g., the repeated \$165 charge.

CONCLUSIONS OF LAW

1. The Commission has jurisdiction over the parties and subject matter in this proceeding. 66 Pa. C.S. § 701.
2. The Complainant has the burden of proof pursuant to 66 Pa. C.S. § 332(a).
3. Complainant has met his burden of proof with respect to the late charges for June and July 2007. 66 Pa. C.S. § 332(a).
4. Respondent has not rebutted the *prima facie* case with respect to the late charges for June and July 2007. Waldron, supra.
5. Complainant has not established a *prima facie* case with respect to the foreign load, service or any other contention. 66 Pa. C.S. § 332(a)

ORDER

THEREFORE,

IT IS ORDERED:

1. That for reasons set forth above, the relief requested in the Complaint of Sporty Smith, Docket Number F-2008-2059928, is granted in part and denied in part.
2. That PECO Energy Company credit Sporty Smith for late charges assessed for June and July 2007.
3. That the Complaint in all other respects is denied.
4. That this case be marked closed.

DATE: March 13, 2012



Darlene D. Heep
Administrative Law Judge

EXHIBIT "6"



PENNSYLVANIA
PUBLIC UTILITY COMMISSION
Harrisburg, PA 17105-3265

TISHEKIA WILLIAMS

JUN 11 2012

Sporty Smith

v.

PECO Energy Company

:
:
:
:
:

F-2008-2059928

FINAL ORDER

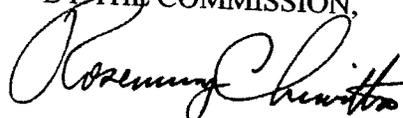
In accordance with the provisions of Section 332(h) of the Public Utility Code, 66 Pa. C.S. §332(h), the decision of Administrative Law Judge Darlene D. Heep dated March 13, 2012, has become final without further Commission action;

THEREFORE,

IT IS ORDERED:

1. That for reasons set forth above, the relief requested in the Complaint of Sporty Smith, Docket Number F-2008-2059928, is granted in part and denied in part.
2. That PECO Energy Company credit Sporty Smith for late charges assessed for June and July 2007.
3. That the Complaint in all other respects is denied.
4. That this case be marked closed.

BY THE COMMISSION,



Rosemary Chiavetta
Secretary

(SEAL)

ORDER ENTERED: June 1, 2012

PECO ENERGY

11BIT 6

ENERGY

PECO Account Activity Statement

Date: 08/28/12
Page: 1 of 3

*** Account Information ***

Account Number: 38075-00206
Account Status: Active
Requested By: WALTER H MOSS
(215)844-0263 Extension:

Mail To:
WALTER H MOSS
221 W HORTTTER ST
PHILADELPHIA PA 19119

Current Bill:
Billed Prior:
Balance Due:
Service Address:
221 W HORTTTER ST
PHILADELPHIA PA 19119

*** Current Account Status ***

Credit Amount: \$122.03
Deposit Requested: \$0.00
Deposit On-Hand: \$122.03
Rate: Electric Residential Service

DATE	CHARGE TYPE	BILLING PERIOD	READ	METER #	CHARGE AMOUNT	CREDIT AMOUNT	TOTAL BILL	BALANCE FORWARD	DATE	KWH	CCF	KW
04/26/10	Payment Agreement				\$535.54							
04/26/10	DEFERRED PAYMENT AGREEMENT				\$41.20							
05/10/10	Bill Out DPA due to Default				\$494.34							
05/18/10	ELECTRIC SERVICE	04/18/10 05/17/10	78846	105706764	\$90.68		\$633.93	\$543.25	06/09	560		
05/18/10	Late Payment Charge				\$7.71							
05/20/10	Payment					\$82.40						
05/20/10	Payment Agreement				\$453.14							
06/15/10	Late Payment Charge				\$1.36							
06/17/10	ELECTRIC SERVICE	05/17/10 06/16/10	79322	105706764	\$77.88		\$218.82	\$99.75	07/09	476		
06/17/10	DEFERRED PAYMENT AGREEMENT				\$41.19							
06/17/10	Regular Bill											
07/14/10	Bill Out DPA due to Default				\$411.95							
07/14/10	Late Payment Charge				\$3.15							
07/19/10	ELECTRIC SERVICE	06/16/10 07/18/10	80216	105706764	\$149.90		\$783.82	\$633.92	08/10	894		
07/19/10	Regular Bill											
07/26/10	Payment					\$260.01						
07/26/10	Payment Agreement				\$370.76							
08/17/10	ELECTRIC SERVICE	07/18/10 08/16/10	81038	105706764	\$137.41		\$333.91	\$155.30	09/08	822		
08/17/10	DEFERRED PAYMENT AGREEMENT				\$41.20							
08/17/10	Late Payment Charge				\$2.25							
08/17/10	Regular Bill											
09/13/10	Bill Out DPA due to Default				\$329.56							
09/14/10	Late Payment Charge				\$9.64							
09/16/10	ELECTRIC SERVICE	08/16/10 09/15/10	81632	105706764	\$97.84		\$770.95	\$673.11	10/08	594		
09/16/10	Regular Bill											
09/27/10	Payment					\$102.66						
09/27/10	RECONNECT FEE - CUT-OUT NON-PAY				\$75.00							
10/05/10	Payment Agreement				\$743.29							
10/05/10	Transfer											
10/05/10	Debit Transfer Payment				\$102.66							
10/15/10	ELECTRIC SERVICE	09/15/10 10/14/10	81975	105706764	\$57.61		\$89.93		11/08	343		
10/15/10	DEFERRED PAYMENT AGREEMENT				\$32.32							
10/15/10	Regular Bill											
11/15/10	Bill Out DPA due to Default				\$678.65							
11/15/10	ELECTRIC SERVICE	10/14/10 11/14/10	82728	105706764	\$120.18		\$243.77	\$91.27	12/07	753		
11/15/10	DEFERRED PAYMENT AGREEMENT				\$32.32							
11/15/10	Late Payment Charge				\$1.34							
11/15/10	Regular Bill											
12/14/10	Late Payment Charge				\$13.35							
12/16/10	ELECTRIC SERVICE	11/14/10 12/15/10	83601	105706764	\$138.48		\$1074.25	\$935.77	01/07	873		
12/16/10	Regular Bill											
01/12/11	Late Payment Charge				\$15.43							
01/20/11	ELECTRIC SERVICE	12/15/10 01/19/11	84536	105706764	\$150.72		\$1240.40	\$1089.68	02/11	935		
01/20/11	Regular Bill											
02/16/11	Late Payment Charge				\$17.69							
02/18/11	ELECTRIC SERVICE	01/19/11 02/17/11	84982	105706764	\$78.06		\$1336.15	\$1258.09	03/15	446		
02/18/11	Regular Bill											
03/11/11	Payment					\$754.46						

PECO Account Activity Statement

Date: 08/28/12
Page: 2 of 3

DATE	CHARGE TYPE	BILLING PERIOD	READ	METER #	CHARGE AMOUNT	CREDIT AMOUNT	TOTAL BILL	BALANCE FORWARD	DUE DATE	KWH	CCF	KW
03/11/11	Payment Agreement											
03/21/11	ELECTRIC SERVICE	02/17/11 03/20/11	85567	105706764	\$100.12	\$581.69	\$132.44		04/12	585		
03/21/11	DEFERRED PAYMENT AGREEMENT				\$32.32							
03/21/11	Regular Bill											
04/18/11	Bill Out DPA due to Default				\$549.37							
04/19/11	ELECTRIC SERVICE	03/20/11 04/18/11	86021	105706764	\$79.59							
04/19/11	Late Payment Charge				\$9.51							
04/19/11	Regular Bill											
04/29/11	Payment Agreement											
05/02/11	Payment				\$517.05			\$691.32	05/11	454		
05/18/11	ELECTRIC SERVICE	04/18/11 05/17/11	86387	105706764	\$65.55	\$253.86						
05/18/11	DEFERRED PAYMENT AGREEMENT				\$32.32							
05/18/11	Regular Bill											
06/14/11	Bill Out DPA due to Default				\$484.73							
06/14/11	Late Payment Charge				\$1.46							
06/17/11	ELECTRIC SERVICE	05/17/11 06/16/11	86953	105706764	\$98.36				06/09	366		
06/17/11	Regular Bill											
06/20/11	Payment											
06/20/11	Payment Agreement				\$484.73	\$94.01	\$682.42	\$580.20	07/11	566		
07/07/11	Payment											
07/19/11	ELECTRIC SERVICE	06/16/11 07/18/11	87744	105706764	\$140.43	\$105.00						
07/19/11	DEFERRED PAYMENT AGREEMENT				\$32.32							
07/19/11	Regular Bill											
08/10/11	Payment											
08/17/11	ELECTRIC SERVICE	07/18/11 08/16/11	88615	105706764	\$154.54	\$175.00	\$171.43		08/10	791		
08/17/11	DEFERRED PAYMENT AGREEMENT				\$32.32							
08/17/11	Regular Bill											
09/08/11	Payment											
09/15/11	ELECTRIC SERVICE	08/16/11 09/15/11	89109	105706764	\$88.10	\$185.00	\$183.29		09/08	871		
09/16/11	DEFERRED PAYMENT AGREEMENT				\$32.32							
09/16/11	Regular Bill											
10/11/11	Payment											
10/17/11	ELECTRIC SERVICE	09/15/11 10/16/11	89651	105706764	\$99.86	\$120.00	\$118.71		10/11	494		
10/17/11	DEFERRED PAYMENT AGREEMENT				\$32.32							
10/17/11	Regular Bill											
11/09/11	Payment											
11/15/11	ELECTRIC SERVICE	10/16/11 11/14/11	90412	105706764	\$137.31	\$135.00	\$130.89		11/08	542		
11/15/11	DEFERRED PAYMENT AGREEMENT				\$32.32							
11/15/11	Regular Bill											
12/12/11	Bill Out DPA due to Default				\$323.13							
12/13/11	Late Payment Charge				\$7.16							
12/16/11	ELECTRIC SERVICE	11/14/11 12/15/11	91216	105706764	\$144.66		\$165.52		12/07	761		
12/16/11	Regular Bill											
01/17/12	Late Payment Charge				\$9.33							
01/20/12	ELECTRIC SERVICE	12/15/11 01/19/12	92271	105706764	\$175.12		\$130.89		11/08	542		
01/20/12	Regular Bill											
02/20/12	ELECTRIC SERVICE	01/19/12 02/19/12	93258	105706764	\$164.30		\$165.52		12/07	761		
02/20/12	Late Payment Charge				\$11.96							
02/20/12	Regular Bill											
03/20/12	ELECTRIC SERVICE	02/19/12 03/19/12	93986	105706764	\$123.07		\$130.89		11/08	542		
03/20/12	Late Payment Charge				\$14.42							
03/20/12	Regular Bill											
04/17/12	Late Payment Charge				\$16.27							
04/18/12	ELECTRIC SERVICE	03/19/12 04/17/12	94603	105706764	\$106.24		\$130.89		04/11	728		
04/18/12	Regular Bill											
04/24/12	Payment Agreement											
04/24/12	Payment				\$161.53	\$110.00	\$1261.18	\$1154.94	05/10	617		

PECO Account Activity Statement

Date: 08/28/12
Page: 3 of 3

DATE	CHARGE TYPE	BILLING PERIOD	READ	METER #	CHARGE AMOUNT	CREDIT AMOUNT	TOTAL BILL	BALANCE FORWARD	DUE DATE	KWH	CCF	KW
05/17/12	ELECTRIC SERVICE	04/17/12	05/16/12	95024	105706764							
05/17/12	DEFERRED PAYMENT AGREEMENT											
05/17/12	Regular Bill					\$74.77						
06/12/12	Payment					\$32.31						
06/13/12	Bill Out DPA due to Default											
06/18/12	ELECTRIC SERVICE	05/16/12	06/17/12	95552	105706764	\$129.22		\$989.65	06/08	421		
06/18/12	Regular Bill					\$92.50						
07/18/12	ELECTRIC SERVICE	06/17/12	07/17/12	96288	105706764	\$116.15		\$1040.95	07/10	528		
07/18/12	Regular Bill											
08/14/12	Late Payment Charge					\$17.86						
08/16/12	ELECTRIC SERVICE	07/17/12	08/15/12	96945	105706764	\$104.17		\$1133.45	08/09	736		
08/16/12	Regular Bill											
08/27/12	Payment						\$1371.63	\$1267.46	09/07	657		
08/27/12	Transfer											
						\$1324.60						
						\$75.00						

**PA Public Utility Commission
Bureau of Consumer Services
Outbound Full Par Report**

Case Number: 002958823 Opened On: 2012-04-23 Date Received: 2012-04-23
 Investigator: BRANDON THOMAS Acct. Number: 3807500206 Utility Type:
 Electric Distributor
 Company Name: PECO Assessor Name / Number: MCCOLLUM, DANA N
 Case Writer Name / Number: LITZENBERGER, BRIGITTE

H

Customer Name And Service Address: Mailing Address:
 WALTER MOSS WALTER MOSS Heating: N
 221 W HORTTER ST Service On: Y
 PHILADELPHIA, PA 19119- Type Of Account: Residential

Telephone: () - Alternate: () -
 Due Date: 2012-05-10 Account Balance: 1151.18 Budget: 125.00
 Family Size: Adults: 1 Children: 0 Past Due Amount: 867.14 Srvc Term Dt:
 Referred To Universal Service Program: N Did Customer State Company Position Accurately: N

Date Statement Obtained: 2011-03-10

Income:		Payment Information:		
Amounts:	Sources:	Amounts:	Post Dates:	Payment Type:
1215.00	Social Security	110.00	2012-04-24	Phone Payment
0.00		135.00	2011-11-09	Phone Payment
0.00		120.00	2011-10-11	Internet Payment
0.00		185.00	2011-09-08	Phone Payment
0.00		175.00	2011-08-10	Internet Payment
0.00		105.00	2011-07-07	Phone Payment

Agreements:

Type:	Level:	Balance:	Agmt Date:	Beg Pymt Date:	Terms:
PA	2	535.54	2010-04-26	2010-05-14	41.20
PA	1	743.29	2010-10-05	2010-10-13	32.32

Report Message Type	Date	Report Details
Full PAR		
Last Contact With Customer	2012-04-23	Karen, daughter of account holder called to advise the account holder, Walter Moss is deceased and she was currently moving into the house. Karen was advised in order to have the payment arrangement re-instated the amount of \$977.14 (subject to change) would need to be paid or pay 40% as a minimum payment option on the balance of \$1,261.18). Karen declined the offers. Karen



	<p>was advised the account was not eligible for a new payment arrangement due to prior defaults. Karen was given an Oral Utility Report. Pay the past due amount of \$1,138.67 prior to 5/3/12. Gave PUC rights and telephone number. Karen was advised to remit her father's death certificate.</p>
<p>Final Position to BCS</p>	<p>Service is ON.</p> <p>Notice activity is as follows: 10 day termination notice issued on 4/11/12 for \$1,138.67 with an effective date of 4/25/12; 1st phone attempt 04/17/12 at 19:04, no answer, no machine; 2nd phone attempt 4/20/12 at 12:01, line rang busy ; 72 hour termination notice satisfied.</p> <p>On 4/23/12, Carrie Cannicle called requesting service in her name at 221 W Hortter St Philadelphia PA. The applicant was advised to remit 2 forms of identification, one with photo and a valid copy of her lease/deed. The Company's fax number was provided. The applicant was advised once the information is received she would be notified if her service request is approved or denied. A denial of service notice was sent.</p> <p>To date, the applicant has not remitted the requested information to have service placed into her name, nor has the death certificate for Walter Moss been received.</p> <p>The customer is not paying the full requested amount by the due date on his bills, thus causing the payment arrangement to default.</p> <p>The customer's account balance is \$1,151.18. Pay the past due amount of \$867.14 immediately, current charges of \$122.51 by 5/10/12 then pay all subsequent bills as rendered by the due date.</p> <p>Collection action to resume for Walter Moss.</p>

