

8/22/12

RE: MAZZA v. PECO
C-2012-2318472

Dear Ms. Chiovette:

Attached please find for filing the original and copies of complainant's answer to PECO preliminary objections.

Thank you,
John Mazza

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AUG 22 2012

PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

PENNSYLVANIA PUBLIC UTILITY COMMISSION

MARK MAZZA,
Complainant

v.

PECO ENERGY COMPANY,
Respondent

No. C-2012-2318472

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PA PUBLIC UTILITY COMMISSION
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COMPLAINANT ANSWER TO PRELIMINARY OBJECTION
BY PECO ENERGY COMPANY

1-15. Denied as stated. The most recent as well as prior complaints speak for themselves. The respondent avers all the allegations in the current formal complaint have been raised in the prior actions. This is untrue. The current complaint was filed since termination notice was issued on the mistaken premise the 2 prior PUC cases were closed. PECO confirmed this mistake to complainant by telephone. It is contended both cases are not final judgments or orders and the appeal process has yet to be exhausted or finalized. PECO does not contest the fact the two prior PUC cases are open. It is averred this should be accepted as an admission by PECO the recent termination notice was premature as it was issued without the 2 prior PUC cases proceeding and exhausting the appeals process. The allegations underlying the current formal complaint are not the same as raised in prior complaints. Complainant agrees improper termination and request for payment arrangements have been previously alleged, but avers new and different allegations are

present in the current formal complaint The recent termination notice was issued solely due to PECO's mistake or assumption the 2 prior PUC cases were closed. This issue of allegedly closed cases had not been raised or at issue in any of the prior complaints filed by complainant. The termination notice which is attached to the current formal complaint demands payment of all alleged past due amounts,including late fees. Said amount s claimed were prematurely demanded and different amounts than those amounts at issue in the prior complaints.

16-69.Denied stated. Complainant incorporates his answers to paragraphs 1 through 15

as though same were fully set forth herein at length. Complainant avers the instant preliminary objection should be overruled as upon information and belief there are no other cases or complaints currently pending before the PUC . Other than the current formal complaint,the 2 open cases are currently on appeal in the ccourt system where the standards or review and procedures are different than cases before the PUC. The recent formal complaint submits only complainant's allegations,and there are disputed questions of fact since PECO has not withdrawn or vacated the termination notice. A hearing is required on the formal complaint to address the new grounds alleged by complainant disputing the termination notice. It is averred PECO does not deny or dispute complainant's discussion with the PECO representative the termination

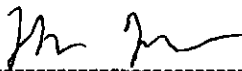
of service or 10 day shutoff notice was issued because PECO concluded the 2 PUC cases (on appeal) were closed. Since PECO has not withdrawn the 10 day shutoff notice, there are still disputed questions of fact requiring a hearing. It is specifically denied complaints were filed to stop termination of services and current charges. On the contrary, complaint filings were due to premature or improper notices including improper amounts claimed, lack of and attempts by PECO representatives to enter the property to shut off service. Complainant has been paying monthly bills and several times contacted PECO to try and resolve all disputes, but PECO claims they are unable to since the disputed amounts are on appeal or being litigated. With the cases on appeal, it is specifically denied the formal complaint process has been used to avoid payment. The unpaid balance at issue are subject to the appeal process, and it is averred precluding additional complaint filings would be improper, premature and deny complainant his due process rights. The case cited by PECO, Agnes Manu V. AT & T Communications, et. al. is not relevant or applicable to the instant matter. The facts are dissimilar to the present case, including but not limited to the fact the complainants in that case engaged in a scheme to defraud by obtaining utility services without payment. There is no claim of fraud by PECO. The recent formal complaint filing shows there is no pattern that would support complainant is a abuser of the system. Each complaint stands on it's own, as there are new grounds in the recent complaint that warrant a administrative hearing. It is specifically denied complainant instigated five actions. Complainant contends the doctrine of lis pendens is not applicable and should be denied. With the 2 cases on appeal, it is alleged the only pending case before the PUC is the current formal complaint. PECO is not

defending several lawsuits on the same cause of action at the same time at the PUC level.

Each complaint filing was based on different underlying facts in which PECO sought different payment amounts and sought to shutoff service prematurely and without sufficient notice. The issues raised in the current complaint are substantial new grounds not raised in prior .

Complaints. The cause of action and relief sought are not identical to other complaints filed,so the doctrine should not apply. The remaining allegations of these paragraphs are denied as conclusions of law to which no response is required. Strict proof is demanded.

Wherefore,it is requested the preliminary objections of PECO Energy Company be OVERRULED,denied or dismissed.



Complainant Pro Se

I, Mark Mazza VERIFICATION
Hereby state the facts in the foregoing

*Answer to Preliminary
Objections*

true and correct to the best of my knowledge, information and belief. I understand the statements herein are made subject to the penalties of 18 Pa.C.S. 4904 relating to unsworn falseification to authorities.

Mark Mazza
Mark Mazza, Esq.

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PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

MARK MAZZA

Complainant

v.

PECO ENERGY COMPANY

Respondent

DOCKET NO. C-2011-~~2235775~~

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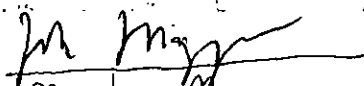
CERTIFICATE OF SERVICE

I hereby certify that I have this day served a copy of *Answers to Preliminary Objections*
Preliminary Objections in the above matter upon all interested parties by mailing a copy thereof,
properly addressed and postage prepaid to:

Shawana L. Lee, Esq.
PECO Energy Company
2301 Market St.
523-
Philadelphia, Pa. 19101

8/23/12

Subscribed


Mark Mazza

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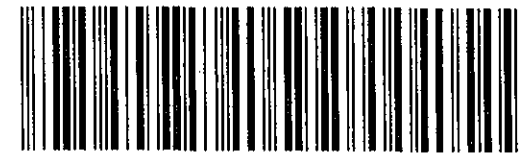
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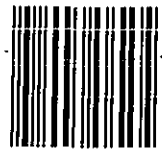


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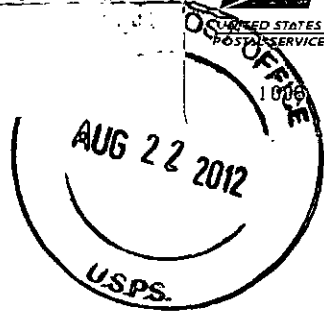
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