

CAPTION SHEET

SE MANAGEMENT SYSTEM

REPORT DATE:	00/00/00	:	
BUREAU:	ALJ	:	
3. SECTION(S):		:	4. PUBLIC MEETING DATE:
5. APPROVED BY:		:	00/00/00
DIRECTOR:		:	
SUPERVISOR:		:	
6. PERSON IN CHARGE:		:	7. DATE FILED: 07/11/05
8. DOCKET NO: C-20054978		:	9. EFFECTIVE DATE: 00/00/00

PARTY/COMPLAINANT: LECLAIRE, MICHAEL

RESPONDENT/APPLICANT: PECO ENERGY COMPANY

COMP/APP COUNTY: CHESTER

UTILITY CODE: 110550

ALLEGATION OR SUBJECT

COMPLAINANT STATES THE METER WAS CHANGED IN 2003. DURING PREVIOUS YEARS, THE HIGHEST BILL THEY HAD TO PAY WAS \$225.00. NOW THEY ARE GETTING \$400.00 BILLS PER MONTH. HE WANTS THE METER FIXED, HIS BILLS ADJUSTED FROM 2003 TO PRESENT, HE WANTS PROVIDED WITH AN ALTERNATIVE COMPANY TO PROVIDE HIM ELECTRICITY, AND WOULD LIKE TO SEE THE COMPANY FINED FOR PROVING INADEQUATE, INCONSISTENT, UNRULY AND AT TIME BOORISH BEHAVIOR AND SERVICE.

DOCUMENT  
FOLDER

DOCKETED  
AUG 22 2005

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Formal Complaint Form

C-20054978

ORIGINAL

Please print or type.

1. CUSTOMER NAME (COMPLAINANT)

110550

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

Name Michael LeClaire

Street/P.O. Box 30 Highgate Circle Apt #

City Spring City State PA Zip 19475

County Chester

Area Code/HOME Phone 610-469-2514

Area Code/WORK Phone 610-644-8595

Utility Account Number 35-18-75-013028 (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

TYPE OF UTILITY (check one)

ELECTRIC

STEAM HEAT

GAS

WASTE WATER

WATER

MOTOR CARRIER

(taxi, moving company, limousine)

TELEPHONE (local, long distance)

RECEIVED

2005 JUL 11 10:11 AM PA P.U.C. SECRETARY'S OFFICE

43

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) Meter changed in 03'. Previous years (2001, 2002, 2003) highest bill - \$225.00. Now we

B. State the facts of your complaint. get \$400.00 bills per month.

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.

- ①. Moved in home 2001
- ②. Bills from PECO through 2003 were in a range of \$125 - \$225.00.
- ③. Meter changed 2003. (No explanation given. PECO <sup>transferred</sup>)
- ④. Bills now range in late 2003 to present from \$200 - \$400.
- ⑤. Neighbors bills still much lower.

5. RELIEF

- ⑥. No explanation given for such increase. Use <sup>as prior</sup> years!

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

- ①. Fix meter. Make PECO fix or change.
- ②. Adjust bills from 2003-present to reflect historical rates.
- ③. Provide me with an alternative company to provide <sup>me</sup> electricity. (Not just another distributor of PECO electricity)
- ④. Fine PECO for providing inadequate, inconsistent, unruly and at times boorish behavior and service.



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 Michael McClair, 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).

Michael McClair  
(Signature)

7/7/05  
(Date)

9. **LEGAL REPRESENTATION (IF ANY)**

If you are represented by a lawyer in this matter you must provide your lawyer's name, address and telephone number.

Lawyer's Name \_\_\_\_\_

Street \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

Area Code/Phone Number \_\_\_\_\_

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	Secretary Pennsylvania Public Utility Commission 400 North Street Commonwealth Keystone Building, 2 <sup>nd</sup> Floor Harrisburg, Pennsylvania 17120
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**Facsimiles and/or electronic filings of the complaint form 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.**

BEFORE THE PENNSYLVANIA PUBLIC UTILITY COMMISSION

DATE SERVED: August 22, 2005

DOCKETED  
AUG 22 2005

MICHAEL LECLAIRE

Complainant

VS.

PECO ENERGY COMPANY

Respondent

Complaint Docket

No: C-20054978

DOCUMENT  
FOLDER

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FORMAL COMPLAINT NOTICE TO RESPONDENT TO ANSWER OR SATISFY

TO: PECO ENERGY COMPANY

TAKE NOTICE:

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

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

2. If you fail to either satisfy this complaint or to file answer or other responsive pleading within twenty (20) days, you will be deemed to have admitted all the allegations in this complaint in accordance with Section 5.61 of the Commission's Rules of Administrative Practice and Procedure, 52 Pa. Code Section 5.61. In that event, the Commission may, without hearing, enter an order which either revokes or suspends any certificate or permit held by you or which imposes a fine or any other appropriate penalty or remedy authorized by the Public Utility Code, 66 Pa. C.S. Section 101, et seq.; and, if you are a customer of a utility, an order may be entered which prescribes a payment schedule or which authorizes termination of utility services. The Commission is not limited to the relief sought by the complainant in paragraph 4 of the attached complaint.

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

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

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

James J. McNulty  
Secretary

(SEAL)

Certified Mail  
Return Receipt Requested

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

DOCUMENT  
FOLDER

DATE SERVED: August 22, 2005

C-20054978

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

Dear Sir/Madam:

A complaint has been filed against you before the Pennsylvania Public Utility Commission by MICHAEL LECLAIRE. 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.

August 22, 2005

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

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

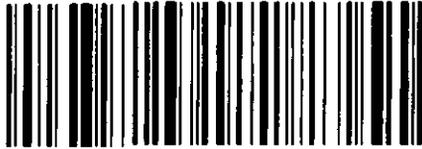
Pennsylvania Lawyer Referral Service  
Pennsylvania Bar Association  
P.O. Box 186  
Harrisburg, PA 17108  
(800) 692-7375

Very truly yours,

James J. McNulty  
Secretary

ANE

2. Article Number



7160 3901 9843 0729 0368

3. Service Type **CERTIFIED MAIL**

4. Restricted Delivery? (Extra Fee) Yes

1. Article Addressed to:

Peco  
C-20054978  
FC

COMPLETE THIS SECTION ON DELIVERY	
A. Received by (Please Print Clearly)	B. Date of Delivery 9/25/15
C. Signature X <i>Felma Rodriguez</i>	<input checked="" type="checkbox"/> Agent <input type="checkbox"/> Addressee
D. Is delivery address different from item 1? If YES, enter delivery address below:	<input type="checkbox"/> Yes <input type="checkbox"/> No

RJP

**Legal Department**

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

Telephone 215.841.5544  
 Fax 215.568.3389  
 www.exeloncorp.com

Business Services  
 Company

ORIGINAL

Direct Dial: 215.841.6841

September 14, 2005

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

DOCUMENT  
 FOLDER

RECEIVED

SEP 14 2005

PA PUBLIC UTILITY COMMISSION  
 SECRETARY'S BUREAU

**RE: Michael LeClaire v. PECO Energy Company**  
**PUC Docket No. C-20054978**

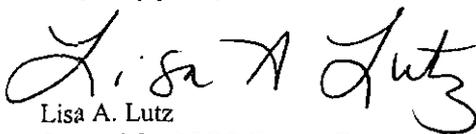
Dear Mr. McNulty:

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

<u>  X  </u>	Answer (original and 3 copies)
<u>      </u>	Petition (original and 3 copies)
<u>      </u>	Answer and Motion (original and 3 copies)
<u>      </u>	Motion to Dismiss (original and 3 copies)
<u>      </u>	Reply to Motion/Petition (original and 3 copies)
<u>      </u>	Exceptions (original and 9 copies)
<u>      </u>	Reply Exceptions (original and 9 copies)
<u>      </u>	Brief (original and 9 copies)
<u>      </u>	Reply Brief (original and 9 copies)

Also enclosed is an extra copy of this letter, which I request that you date stamp and return to me in the envelope provided as proof of filing. I have enclosed a Certificate of Service showing that a copy of the above document was served on the interested parties.

Very truly yours,

  
 Lisa A. Lutz  
 Counsel for PECO Energy Company

LAL/zr

Enc.

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BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION SEP 14 2005

PA PUBLIC UTILITY COMMISSION  
SECRETARY'S BUREAU

MICHAEL LECLAIRE

v.

PECO ENERGY COMPANY

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DOCKET NO. C-20054978

DOCUMENT  
FOLDER

ANSWER OF RESPONDENT, PECO ENERGY COMPANY

PECO Energy Company ("PECO Energy"), pursuant to 52 Pa. Code § 5.61, responds to the Complaint and states:

1. Admitted.
2. Admitted.
3. Admitted.
4. Admitted in part and denied in part. PECO Energy admits the electric meter at

Complainant's property was changed in September, 2003 to an automated meter reading ("AMR") unit. PECO Energy denies that Complainant was improperly charged for electric services. Charges for Complainant's electric usage are based on actual meter readings.

By way of background, PECO Energy avers a field visit was performed at Complainant's property on August 26, 2004. The meter reading obtained verified the last billed reading to be correct. An analysis of use was performed and indicated the potential for use as billed. A meter test performed during this visit verified the accuracy of the meter. The PECO Energy representative explained the increases were in line with seasonal usage.

**DOCKETED**  
SEP 16 2005

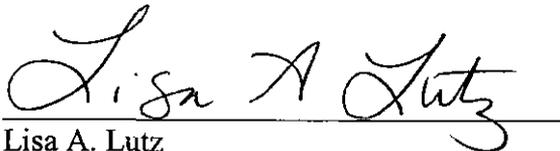
A further field visit was performed on August 17, 2005. At that time, the meter reading obtained verified the last billed reading to be correct. The Complainant declined a meter test. The PECO Energy representative explained the increases were in line with seasonal usage.

By way of further answer, Complainant's current outstanding balance is \$1,215.12. The Complainant's average monthly bill is currently \$231.00 and Complainant's calculated monthly budget payment is currently \$254.00.

5. This paragraph is a request for relief and no answer is required.
6. PECO Energy is without sufficient information to confirm or deny this statement.
7. Admitted.

**WHEREFORE**, PECO Energy Company respectfully requests that your Honorable Commission dismiss the instant Complaint.

Respectfully Submitted,



Lisa A. Lutz  
Counsel for PECO Energy Company  
2301 Market Street, S23-1  
P.O. Box 8699  
Philadelphia, PA 19101-8699  
Direct Dial: 215.841.6841;  
Fax: 215.568.3389  
[Lisa.Lutz@exeloncorp.com](mailto:Lisa.Lutz@exeloncorp.com)

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

MICHAEL LECLAIRE

v.

PECO ENERGY COMPANY

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DOCKET NO. C-20054978

**VERIFICATION**

I, Lisa A. Lutz, 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: September 14, 2005

  
\_\_\_\_\_  
Lisa A. Lutz

BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION

MICHAEL LECLAIRE

v.

PECO ENERGY COMPANY

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DOCKET NO. C-20054978

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SEP 14 2005

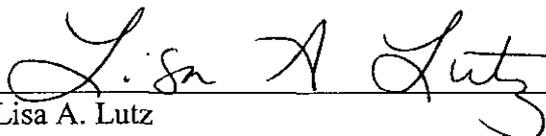
PA PUBLIC UTILITY COMMISSION  
SECRETARY'S BUREAU

CERTIFICATE OF SERVICE

I, Lisa A. Lutz, hereby certify that I have this day served a copy of PECO Energy Company's Answer and New Matter in the above matter upon all interested parties by mailing a copy, properly addressed and postage prepaid to:

MICHAEL LECLAIRE  
30 Highgate Circle  
Spring City, PA 19475

Dated at Philadelphia, Pennsylvania, September 14, 2005.



Lisa A. Lutz  
Counsel for PECO Energy Company  
2301 Market Street, S23-1  
P.O. Box 8699  
Philadelphia, PA 19101-8699  
Direct Dial: 215.841.6841;  
Fax: 215.568.3389  
[Lisa.Lutz@exeloncorp.com](mailto:Lisa.Lutz@exeloncorp.com)



COMMONWEALTH OF PENNSYLVANIA  
PENNSYLVANIA PUBLIC UTILITY COMMISSION  
Office of Administrative Law Judge  
P.O. BOX 3265, HARRISBURG, PA 17105-3265  
October 5, 2005

IN REPLY PLEASE  
REFER TO OUR FILE

In Re: C-20054978

(See attached list)

Michael LeClaire v. PECO Energy Company

Billing dispute.

Hearing Notice

This is to inform you that your case is scheduled for hearing at 1:30 p.m. in Hearing Room 2 in the Philadelphia State Office Building. Your case is one of several cases that have been scheduled at this time in Hearing Room 2. You must be available in the hearing room when your case is called by the presiding Administrative Law Judge. You should arrive at the Hearing Room no later than 1:15 p.m. and wait in the Hearing Room until the presiding Administrative Law Judge calls your case. Your case might not be the first one to be called and you should be prepared to stay in the hearing room all afternoon, if necessary. If you are not present and prepared to go forward with your case when it is called, your case will be dismissed by the Administrative Law Judge.

Type: Initial Hearing  
Date: Tuesday, November 8, 2005  
Time: 1:30 p.m.  
Location: Hearing Room 2  
State Office Building  
Broad & Spring Garden Streets  
Philadelphia, PA

DOCUMENT  
FOLDER

DOCKETED  
OCT 6 2005

Presiding: Administrative Law Judge Marlane R. Chestnut  
1302 Philadelphia State Office Building  
1400 West Spring Garden Street  
Philadelphia, PA 19130  
Telephone: 215.560.2105  
Fax: 215.560.3133

Attention: You must be available in the hearing room when your case is called by the presiding Administrative Law Judge. If you are not present and prepared to go forward with your case when it is called, your case will be dismissed by the Administrative Law Judge.

If you intend to file exhibits, bring 4 copies with you to the hearing.

Individuals may represent themselves or be represented by an attorney. Individuals representing themselves do not need to be represented by an attorney. If you have an attorney representing you, your attorney should file a Notice of Appearance before the scheduled hearing date.

If you are a person with a disability, and you wish to attend the hearing, we may be able to make arrangements for your special needs. Please call the scheduling office at the Public Utility Commission:

- Scheduling Office: (717) 787-1399.
- AT&T Relay Service number for persons who are deaf or hearing-impaired: 1-800-654-5988.

pc: Judge Chestnut  
Susan Licon  
Beth Plantz  
Docket Section  
Calendar File

#502239 09/04

#502239 03/05

C-20054978 Michael LeClaire v. PECO Energy Company

Billing dispute.

MICHAEL LECLAIRE  
30 HIGHGATE CIRCLE  
SPRING CITY PA 19475

LISA A LUTZ ESQUIRE  
PECO ENERGY COMPANY  
2301 MARKET STREET S23-1  
PO BOX 8699  
PHILADELPHIA PA 19101-8699