

CAPTION SHEET

USE MANAGEMENT SYSTEM

1. REPORT DATE: 00/00/00 :
 2. BUREAU: ALJ :
 3. SECTION(S) : :
 5. APPROVED BY: : 4. PUBLIC MEETING DATE:
 DIRECTOR: : 00/00/00
 SUPERVISOR: :
 6. PERSON IN CHARGE: : 7. DATE FILED: 07/21/05
 8. DOCKET NO: C-20054998 : 9. EFFECTIVE DATE: 00/00/00

PARTY/COMPLAINANT: MACDADE TERRACE APARTMENTS LP

RESPONDENT/APPLICANT: PECO ENERGY COMPANY

COMP/APP COUNTY: DELAWARE

UTILITY CODE: 110550

ALLEGATION OR SUBJECT

COMPLAINANT STATES THEY WOULD LIKE TO WORK OUT A PAYMENT ARRANGEMENT ALLOWING THEM TO MAKE MONTHLY PAYMENTS UNTIL THE BALANCE IS PAID UP. COMPLAINANT STATES AS LONG AS THEY STICK TO A ARRANGEMENT THEN THERE SHOULD BE NO LATE FEES.

DOCUMENT
FOLDER

RECEIVED
AUG 23 2005

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Formal Complaint Form

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Please print or type.

C-20054998

05 JUL 21 AM 11:21

1. CUSTOMER NAME (COMPLAINANT)

PA.P.U.C. SECRETARY'S BUREAU

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

Name Macdade Terrace Apartments, LP

Street/P.O. Box 1400 Macdade Blvd Apt #

City Woodlyn State PA Zip 19094

County Delaware

Area Code/HOME Phone

Area Code/WORK Phone 610 833 5599

Utility Account Number 50-15-09-054547 (from your bill)

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

Name Optimum Property Management

Street/P.O. Box PO Box 606

City Lakewood State NJ Zip 08701

2. UTILITY NAME (RESPONDENT)

Name of utility company your complaint concerns: PECO Energy

3. TYPE OF UTILITY (check one)

ELECTRIC

STEAM HEAT

GAS

WASTE WATER

WATER

MOTOR CARRIER (taxi, moving company, limousine)

TELEPHONE (local, long distance)

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AUG 23 2005

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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 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.

This account is for gas provided to 160 apartments. The winter bills are extremely high and it is not possible for us to pay them in full each month. We make payments throughout the year and make sure to be paid up before the next winter season. However we get hit with extremely high late fees.

5. **RELIEF**

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

We would like to work out a payment arrangement allowing us to make monthly payments until the balance is paid up. As long as we keep to the arrangements we should not be charged late fees.

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 Joseph Orman, 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)  (Date) 7/19/05

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 nd 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 23, 2005

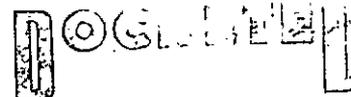
MACDADE TERRACE APARTMENTS
LP

Complainant
VS.

PECO ENERGY COMPANY
Respondent

Complaint Docket
No: C-20054998

DOCUMENT
FOLDER



AUG 23 2005

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

DATE SERVED: AUGUST 23, 2005

C-20054998

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 MACDADE TERRACE APARTMENTS LP. 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.

DOCUMENT
FOUNDER

AUGUST 23, 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

ddi

2. Article Number



7160 3901 9843 0833 3637

3. Service Type **CERTIFIED MAIL**

4. Restricted Delivery? (Extra Fee) Yes

1. Article Addressed to:

C-20054998 thru C-20055004
PECO ENERGY COMPANY
C/O WARD L SMITH ASSOCIATE GENERAL
COUNSEL
P O BOX 8699
PHILADELPHIA PA 19101-8699

COMPLETE THIS SECTION ON DELIVERY

A. Received by (Please Print Clearly)

B. Date of Delivery

8/25/05

C. Signature

Rafael Rodriguez

Agent
 Addressee

D. Is delivery address different from item 1?
If YES, enter delivery address below:

Yes
 No

Domestic Return Receipt

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

Direct Dial: 215.841.6841

September 14, 2005

ORIGINAL

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

DOCUMENT RECEIVED

FOLDER

SEP 14 2005

RE: Macdade Terrace Apartments LP v. PECO Energy Company
PUC Docket No. C-20054998

PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

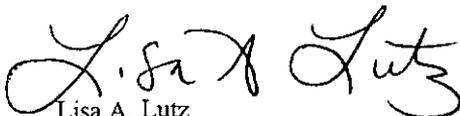
Dear Mr. McNulty:

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> X </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

MACDADE TERRACE
APARTMENTS LP

PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

v.

DOCKET NO. C-20054998

PECO ENERGY COMPANY

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. PECO Energy avers it also provides electric service to Complainant.
4. Denied. PECO Energy specifically denies that Complainant is unable to pay

Complainant's gas and electric bill and strict proof thereof is hereby demanded at time of hearing. Complainant is a commercial customer. Complainant's current electric balance is \$53,970.74.

PECO Energy is without sufficient knowledge to either confirm or deny the remaining statements of this Complainant. Therefore PECO Energy denies all such averments.

5. Paragraph No. 5 is a request for relief to which no response is required.

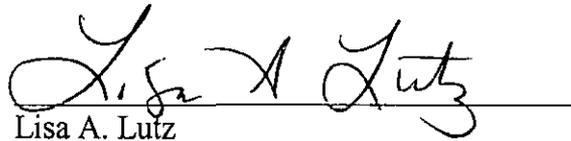
However, PECO notes that the Public Utility Commission does not have the authority to establish payment arrangements for commercial customers. Yesteryear Corporation, d/b/a Angelo's Restaurant v. Philadelphia Electric Company, Docket No. F-9245681 (I.D. August 26,

DOCKETED
SEP 16 2005

1992); Kenny d/b/a Flower and Flag Depot v. Duquesne Light Co., C-00967789 (PA. PUC
November 27, 1996); 52 Pa. Code §56.1.

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

Respectfully Submitted,

A handwritten signature in black ink, reading "Lisa A. Lutz", is written over a horizontal line.

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

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

MACDADE TERRACE
APARTMENTS LP

v.

PECO ENERGY COMPANY

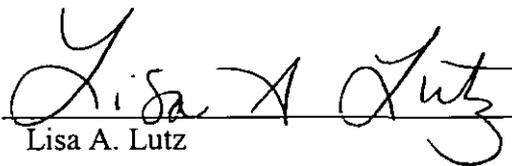
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DOCKET NO. C-20054998

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

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BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

SEP 14 2005

MACDADE TERRACE
APARTMENTS LP

PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

v.

DOCKET NO. C-20054998

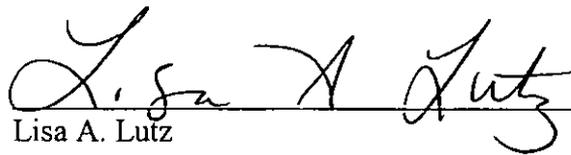
PECO ENERGY COMPANY

CERTIFICATE OF SERVICE

I 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:

MACDADE TERRACE APARTMENTS LP
1400 MacDade Boulevard
Woodlyn, PA 19094

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

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

MACDADE TERRACE
APARTMENTS LP

v.

PECO ENERGY COMPANY

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DOCKET NO. C-20054998

NOTICE TO PLEAD

Pursuant to 52 Pa. Code §§ 5.101, you are hereby notified that, if you do not file a written response denying or correcting the enclosed Motion to Dismiss of PECO Energy Company, within 10 days from service of this notice, the facts set forth by PECO Energy Company in the New Matter may be deemed to be true, thereby requiring no other proof. All pleadings, such as a Reply to Motion to Dismiss, must be filed with the Secretary of the Pennsylvania Public Utility Commission, with a copy served to counsel for PECO Energy Company, Lisa A. Lutz, and where applicable, the Administrative Law Judge presiding over the issue.

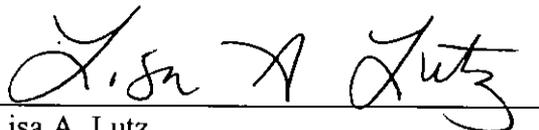
File with:

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

With a copy to:

Lisa A. Lutz, Esq.
PECO Energy Company
2301 Market Street, S-23
Philadelphia, PA 19103

Dated at Philadelphia, PA, September 14, 2005.



Lisa A. Lutz
Counsel for PECO Energy Company
2301 Market Street S-23
Philadelphia, PA 19101-8699
215-841-6841
lisa.lutz@exeloncorp.com

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BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

SEP 14 2005

PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

MACDADE TERRACE :
APARTMENTS LP :

v. :

PECO ENERGY COMPANY :

DOCKET NO. C-20054998

DOCUMENT
FOLDER

PECO ENERGY COMPANY'S MOTION TO DISMISS COMPLAINT

Respondent, PECO Energy Company ("PECO"), pursuant to 52 Pa. Code § 5.101 respectfully petitions this Honorable Commission to dismiss the instant Complaint for the following reasons:

1. Complainant is a nonresidential/commercial customer of PECO Energy.
2. PECO Energy provides electric and gas services to Complainant.
3. The services rendered are not "residential service." 52 Pa. Code §56.2.
4. On or about July 19, 2005, Complainant filed a formal complaint with the Pennsylvania Public Utility Commission.
5. On or about August 23, 2005, PECO Energy was served the above-mentioned formal Complaint.
6. In its Formal Complaint, Complainant requested that the Commission set a payment plan for its gas and electric account balance.
7. While the Public Utility Commission ("PUC") has the authority to establish payment arrangements for residential customers under the Public Utility Code and regulations, it does not have the authority to establish payment arrangements for commercial ratepayers.

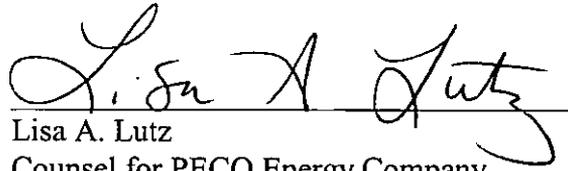
Yesteryear Corporation, d/b/a Angelo's Restaurant v. Philadelphia Electric Company, Docket

DOCKETED
SEP 16 2005

No. F-9245681 (I.D. August 26, 1992); Kenny d/b/a Flower and Flag Depot v. Duquesne Light Co., C-00967789 (PA. PUC November 27, 1996); 52 Pa. Code §56.1.

WHEREFORE, PECO Energy Company respectfully requests that your Honorable Commission dismiss the Complaint because it relates to a request for a payment arrangement for a commercial customer.

Respectfully Submitted,



Lisa A. Lutz
Counsel for PECO Energy Company
2301 Market Street, S23-1
P.O. Box 8699
Philadelphia, PA 19101-8699
(215) 841-6841
lisa.lutz@exeloncorp.com

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

MACDADE TERRACE
APARTMENTS LP

v.

PECO ENERGY COMPANY

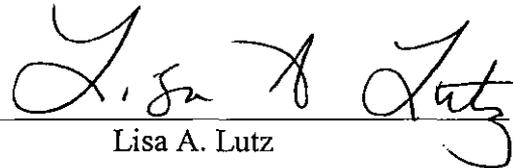
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DOCKET NO. C-20054998

VERIFICATION

I, Lisa A. Lutz, hereby declare that I am an attorney representing PECO Energy Company; that as such I am authorized to make this verification on its behalf; that the facts set forth in the foregoing Pleading are true to the best of my knowledge, information and belief, and that I make this verification subject to the penalties of 18 Pa. C.S. §4904 pertaining to false statements to authorities.

Date: September 14, 2005



Lisa A. Lutz

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BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION SEP 14 2005

MACDADE TERRACE
APARTMENTS LP

v.

PECO ENERGY COMPANY

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PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

DOCKET NO. C-20054998

CERTIFICATE OF SERVICE

I hereby certify that I have this day served a copy of PECO Energy Company's Motion to Dismiss in the above matter upon all interested parties by mailing a copy thereof Certified mail, properly addressed and postage prepaid to:

MACDADE TERRACE APARTMENTS LP
1400 MacDade Blvd.
Woodlyn, PA 19094

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
(215) 841-6841
lisa.lutz@exeloncorp.com