

CAPTION SHEET

CASE MANAGEMENT SYSTEM

1. REPORT DATE: 00/00/00	:	
2. BUREAU: ALJ	:	
3. SECTION(S):	:	4. PUBLIC MEETING DATE:
5. APPROVED BY:	:	00/00/00
DIRECTOR:	:	
SUPERVISOR:	:	
6. PERSON IN CHARGE:	:	7. DATE FILED: 08/09/05
8. DOCKET NO: C-20055057	:	9. EFFECTIVE DATE: 00/00/00

PARTY/COMPLAINANT: KADINGO, JOSEPH P

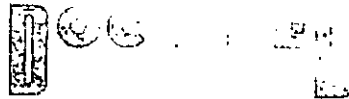
RESPONDENT/APPLICANT: PECO ENERGY COMPANY

COMP/APP COUNTY: CHESTER

UTILITY CODE: 110550

ALLEGATION OR SUBJECT

COMPLAINANT STATES HE WANTS THE LINE TO HIS HOUSE REPLACED AND HE STATES THESE PROBLEMS HAVE TO DO WITH THE RELIABILITY, SAFETY OR QUALITY PROBLEM WITH HIS UTILITY SERVICE.

  
 AUG 24 2005

DOCUMENT  
FOLDER

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Formal Complaint Form

RECEIVED

Please print or type.

C-20055057

AUG 09 2005

1. CUSTOMER NAME (COMPLAINANT)

PA PUBLIC UTILITY COMMISSION  
SECRETARY'S BUREAU

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

Name JOSEPH P. KADINGO

Street/P.O. Box 471 E. BOOT RD. Apt # \_\_\_\_\_

City W. CHESTER State PA. Zip 19380

County CHESTER

Area Code/HOME Phone 610-436-5077

Area Code/WORK Phone 610-296-0041

Utility Account Number 35-06-44-413519  
(from your bill)

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

Name N/A

Street/P.O. Box \_\_\_\_\_

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

ORIGINAL

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)



AUG 24 2005  
4

COMMENT  
FILED

46

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.

AFTER RECEIVING A PECO CLAIM  
REGISTRATION FORM I INITIATED ALL CALLS  
TO PECO TO MOVE THIS MATTER FORWARD  
THRU ADVICE FROM THE PUC.  
(CONTINUED ON ATTACHMENT I)

5. RELIEF

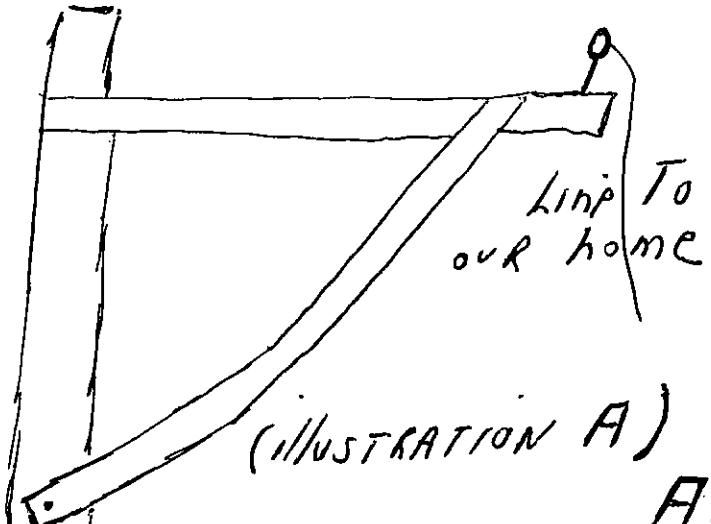
What do you want the Public Utility Commission to do about your complaint? Use additional paper if you need more space.

IT WAS THE PUC'S ADVICE TO FILL  
OUT THIS FORM, AND AFTER TWENTY  
DAYS ALLOWED PECO UPON RECEIPT  
PECO REFUSES TO ADDRESS THE  
PROBLEMS, A TELEPHONIC CONFERENCE  
WOULD BE SET UP WITH A  
JUDGE LAWYER WHO WOULD HAVE THE  
FINAL SAY.

I CANNOT include any specifics since PECO denied forwarding to me upon request a copy of the UTILITY REPORT (the PUC STATED) I AM ENTITLED TO.

TWO items of concern discussed with the CLAIMS DEPARTMENT WERE NOT ADDRESSED

THE FIRST WAS MOVING MY LINE BACK TO IT'S ORIGINAL LOCATION THUS AVOIDING ANY FURTHER LOSS OF QUALITY OF SERVICE I HAD SINCE 1978 WHEN I PURCHASED THE PROPERTY AND RESTORING THE RELIABILITY OF DISTRIBUTION TO ITS ORIGINAL VALUE. ALSO IT WOULD RESTORE THE TRUST EXPECTED OF A UTILITY OF PROVIDING SAFE, RELIABLE POWER, ELIMINATING THE DANGER TO CHILDREN GETTING INTO THE TREE USING MY ALUMINUM LADDER AND PUTTING THEM AT RISK SINCE IT WOULD VIOLATE THE 10' RULE, AND ELIMINATE THE RISK OF LOSS OF POWER AGAIN DUE TO TREE LIMBS, AND FINALLY ELIMINATE THE COST OF PRUNING OVER MY LIFE TIME.



THIS CONCEPT IN ILLUSTRATION A SHOULD HAVE BEEN DONE IN MY OPINION AND STILL CAN EASILY BE DONE.

ATTACHMENT 1

The second item NOT addressed is replacing the existing line to my house for the following reasons. The neutral has a temporary patch to restore service. The neutral serves a second purpose of taking the stress of the three wires. Ours can no longer serve this purpose thus putting the stress on the two hot wires.

Secondly if damage occurred to the neutral, I find it hard to believe no damage occurred to the other wires since they are a twisted pair around the neutral. An open would cause a service interruption again while a short would cause further damage to our household items and a repeat bout with my insurance Co. since Peco is not liable by law for all damages. My insurance agent has stressed having the line restored to it's original location.

ATTACHMENT 1 (CONTINUED)

PECO CLAIM REGISTRATION FORM

Claims Division  
1-877-538-7769

Dear PECO Customer:

To officially register your claim, please complete and return this form in the enclosed self-addressed return envelope, or fax to 215-841-4919.

Our Address is: **PECO Energy, Claims Division, S16-1, 2301 Market Street, Phila., PA 19103**

Once this form is received in our office, you will be contacted by one of our Claims Adjusters at your daytime telephone number.

JOSEPH P. KADINGO  
Name

(610) 436-5077  
Daytime Phone No.

471 EAST BOOT RD.  
Address

APRIL 1, 2005 11:15 PM  
Date & Time of Loss or Damage

W. CHESTER, PA.  
City, State, Zip

INSIDE HOME  
Location of Damage

Please describe the details of the incident and list the item(s) damaged.

SEE ATTACHMENTS A, B, C

Joseph P. Kadings  
Signature

4-11-05  
Date

THIS FORM IS A REQUEST FOR INFORMATION ONLY AND DOES NOT CONSTITUTE ANY ADMISSION OF LIABILITY ON THE PART OF PECO ENERGY COMPANY.

11 APRIL 2005

TO: PECO  
CLAIMS DIVISION

DEAR REPRESENTATIVE

During the storm on April 1, 2005  
my home sustained electrical damage  
for which I am holding PECO responsible  
due to the faulty relocation of the  
power lines. The relocation of the  
power line exposed it to nearby  
tree limbs which in turn caused  
the damage to our home. We have  
lived in this home since 1978  
and previously had no problems  
with the power lines nor had  
there ever been a need to maintain  
the area around the power lines  
previous to the relocation. Nepp,  
at any time, had I been contacted  
by PECO informing me of the  
relocation or what responsibilities  
would be mine.  
The night of the storm, there  
was rain and high winds as predicted  
my son and I were in the  
basement. Our computer shut down,  
(ATTACH #

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 P. KADINGO, 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).

Joseph P. Kadingo (Signature) 8-8-05 (Date)



BEFORE THE PENNSYLVANIA PUBLIC UTILITY COMMISSION

DATE SERVED: AUGUST 24, 2005

JOSEPH P KADINGO

Complainant

VS.

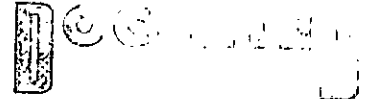
PECO ENERGY COMPANY

Respondent

Complaint Docket

No: C-20055057

DOCUMENT



AUG 24 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 24, 2005

C-20055057

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 JOSEPH P KADINGO. 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.

30111111

AUGUST 24, 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

**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 15, 2005

**DOCUMENT  
FOLDER**

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

**ORIGINAL**

**RE: Joseph P. Kadingo v. PECO Energy Company  
PUC Docket No. C-20054056**

C-20065057

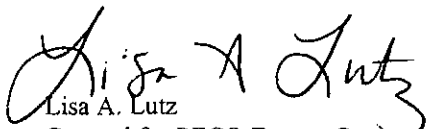
Dear Mr. McNulty:

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

- X   Answer (original and 3 copies)
- Petition (original and 3 copies)
- Answer and Motion (original and 3 copies)
- Motion to Dismiss (original and 3 copies)
- Reply to Motion/Petition (original and 3 copies)
- Exceptions (original and 9 copies)
- Reply Exceptions (original and 9 copies)
- Brief (original and 9 copies)
- 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.

**RECEIVED**  
SEP 15 2005  
PA PUBLIC UTILITY COMMISSION  
SECRETARY'S BUREAU

60

BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION

**ORIGINAL**

JOSEPH P. KADINGO

v.

PECO ENERGY COMPANY

:  
:  
:  
:  
:

DOCKET NO. C-20055057

**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 admits that its records indicate the

Complainant called, on April 2, 2005, to report he sustained computer and related equipment damage as a result of a service interruption on April 1, 2005. The service interruption was reported on April 1, 2005 at 11:49 p.m. and was repaired in the early A.M. hours of April 2, 2005. PECO Energy denies that it is responsible to trim the customer's tree that caused the service interruption and related damage.

By way of further answer, PECO Energy avers that on July 13, 2005, a PECO Energy Claims Supervisor visited the property to identify the tree that caused the interruption on April 1, 2005 and to review the matter with the Complainant. The PECO Claims Supervisor discussed with Complainant that since the tree limb that caused the service interruption was from the tree on Complainant's property and outside the PECO trim-zone, the Complainant is

**DOCKETED**  
SEP 20 2005

**RECEIVED**

SEP 15 2005

PA PUBLIC UTILITY COMMISSION  
SECRETARY'S BUREAU

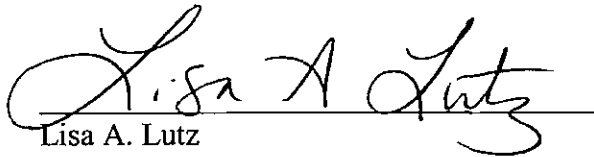
responsible for the tree trimming. Complainant was referred to his homeowner's insurance carrier to investigate a claim.

A decision by the Bureau of Consumer Services ("BCS") issued July 18, 2005, indicated a verbal close on the Complainant's informal complaint, wherein it was explained to the Customer that it is the Customer's responsibility to keep the service loop clear of tree contact from the trees on customer's property. A Claims Denial letter was sent by PECO to Complainant on May 4, 2005. A copy of the BCS decision is attached as Exhibit A.

5. Paragraph No. 5 is a request for relief to which no response is required.
6. PECO Energy is without 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**

JOSEPH P. KADINGO

v.

PECO ENERGY COMPANY

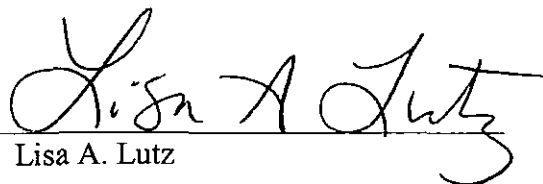
:  
:  
:  
:  
:

DOCKET NO. C-20055057

**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 15, 2005

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

Date: 9/2/05

PA. Public Utility Commission  
Bureau Of Consumer Services  
Inbound Closing Report

Case Number: 1936426  
Customer Name: JOSEPH KADINGO  
Address: 471 E BOOT RD  
WEST CHESTER PA 19380-C

Opened On: 7/6/05  
Utility Type: Electric Distributor  
Account Number: 350644413519  
Company Name: PECO Energy

Prior Case: 1922778

Total Balance: \$108.48

Balance Date:

Compliance

Violation(Alleged, Actual, No): NO

Chap 56/64/Other:

Section/Rule:

Decision Issued: N

Oral Written: 0

Investigator: BARBUSH, BARBARA

PUC Decision  
Issued Dt:

PUC Case 7/18/05  
Closed Dt:

Decision Recvd Dt: 7/18/05 12:25PM

Letter Description:

To Restore Service Pay: \$0.00

To Continue Service Pay: \$0.00 By:

Terms:

Special Budget Amount: \$0.00

Regular Budget Amount: \$0.00 Plus Arrears Payment: \$0.00

Final Bill Monthly Payment: \$0.00

Current Bill Monthly Payment: \$0.00

End Of Month Payment: \$0.00

Par Description:

Resolution:

VERBAL CLOSE - CU DISSATISFIED. REQ FORMALS - SENT FORMALS. ADV CU CO RPT INDICATES VOLT DISTURBANCE OF 4/2/05 WAS THE RESULT OF THE BROKEN NEUTRAL ON THE SVC LOOP CAUSED BY A TREE LIMB ON HIS PROPERTY. CC STATES CU SVC MOVED 10 YRS AGO WHEN POLE RELOCATED FOR ROAD WORK. CO ADV THERE HAD NOT BEEN ANY PROBLEM IN OVER 10 YRS - NEVER RECV'D ANY CALLS OR COMPLAINTS FROM CU RE SVC LOOP. CO DOES NOT TRIM TREES FOR SVC LOOPS - IT IS CU RESPONSIBILITY TO KEEP LOOP CLEAR OF TREE CONTACT. ADV CO ENCOURAGES CU TO MAKE CLAIM W/HOMEOWNERS INSURANCE CARRIER W/PECO MAKING A CONTRIBUTION TOWARDS HIS DEDUCTIBLE, NOT TO EXCEED TRF LIMIT. CU CLAIMS NEVER NOTIFIED WHEN SVC MOVED CLOSER TO THIS TREE & NEVER RECV'D UTIL RPT. CO SENT DENIAL LTR TO CU 5/4/05.

RECEIVED

SEP 15 2005

PA PUBLIC UTILITY COMMISSION  
SECRETARY'S BUREAU

Exhibit A

BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION

JOSEPH P. KADINGO

v.

PECO ENERGY COMPANY

:  
:  
:  
:  
:

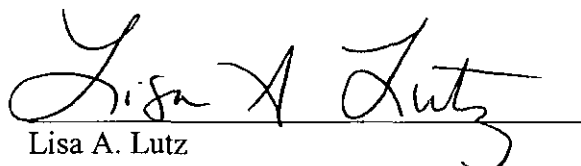
DOCKET NO. C-20055057

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:

JOSEPH P. KADINGO  
471 E. Boot Road  
West Chester, PA 19380

Dated at Philadelphia, Pennsylvania, September 15, 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

RECEIVED  
SEP 15 2005  
PA PUBLIC UTILITY COMMISSION  
SECRETARY'S BUREAU