

PENNSYLVANIA PUBLIC UTILITY COMMISSION

AMENDMENT/SUPPLEMENT TO Formal Complaint C-2014-2423794

Filing this form begins a legal proceeding and you will be a party to the case. If you do not wish to be a party to the case, consider filing an informal complaint.

To complete this form, please type or print legibly in ink.

1. Customer (Complainant) Information

Provide your name, mailing address, county, telephone number(s), e-mail address and utility account number:

Name ALLIANCE OF YOUTH MISSION MINISTRIES, INC.

Street/P.O. Box 3040 N. 22nd Street

City Philadelphia State PA Zip 19132

County Philadelphia

Telephone Number(s) Where We Can Contact You During the Day:

(215) 232-1399 (Work) ( ) (mobile)

E-mail Address (optional):

Utility Account Number (from your bill) 6247707068

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

Name

Street/P.O. Box

City State Zip

2. Name of Utility or Company (Respondent)

Provide the full name of the utility or company about which you are complaining. The name of your utility or company is on your bill.

PECO Energy Company/An Exelon company

3. **Type of Utility Service**

Check the box listing the type of utility service that is the subject of your complaint (check only one):

- X ELECTRIC  WASTEWATER/SEWER
- GAS  TELEPHONE/TELECOMMUNICATIONS (local, long distance)
- WATER  MOTOR CARRIER (e.g. taxi, moving company, limousine)
- STEAM HEAT

4. **Reason for Complaint**

**What kind of problem are you having with the utility or company?** Check all boxes below that apply and state the reason for your complaint. Explain specifically what you believe the utility or company has done wrong. Provide relevant details including dates, times and places and any other information that may be important. If the complaint is about billing, tell us the amount you believe is not correct. Use additional paper if you need more space. **Your complaint may be dismissed without a hearing if you do not provide specific information.**

- X The utility is threatening to shut off my service or has already shut off my service.

***PECO is threatening to terminate service as of Friday, August 1, 2014, notwithstanding that payment of the money demanded by PECO for service to continue was paid within the time frame set by PECO.***

By notice dated June 27, 2014, PECO notified some of the residents of the subject premises that electrical services would be terminated on or after **July 28, 2014** and that they could pay the utility bill for the 30 days preceding the June 27, 2014 notice, in the amount of \$809.07, for service to continue. See notice attached hereto, incorporated herein and marked Exhibit "A".

On July 21, 2014, payment of \$820.00 was made to PECO to satisfy PECO's June 27, 2014 demand for a payment of \$809.07 for service to continue. See payment documents attached hereto, incorporated herein and marked Exhibit "B".

Notwithstanding said payment, on July 29, 2014, PECO verbally informed residents and Complainant that electrical services at the premises would be terminated on August 1, 2014.

PECO had no factual or legal basis under the Public Utility Act to issue the notice of termination in the first instance and has failed to comply with the notice and other provisions of the Public Utility Act to legally carry out it threatened shut-off of service.

Complainant and the residents of the subject premises, many of whom have MH/MR challenges, would be severely and irreparably harmed by PECO unwarranted and unlawful threatened shut-off of electrical services in the circumstances.

I would like a payment agreement.

X Incorrect charges are on my bill. Provide dates that are important and an explanation about any amounts or charges that you believe are not correct. Attach a copy of the bill(s) in question if you have it/them.

Foreign wiring, defective meters, and usage reading issues existed on the subject premises prior to and since Complainant became owner thereof in 2012. PECO claims to have investigated the fore-stated issues on multiple occasions but has never provided Complainant with the results thereof to-date, notwithstanding repeated requests therefor by Complainant. The fore-stated issues have and continue to result in improper and over-charging of Complainant for electrical service usage at the subject premises.

PECO continues to bill Complainant, together with currently monthly charges, and to assess excessive and arbitrary late fees and impose other financial conditions upon Complainant for the 2012 electrical services PECO originally billed a third party for then reversed and billed Complainant for and which is currently pending decision by the Commonwealth Court of Pennsylvania at docket no. 597 CD 2014.

PECO continues to assess excessive and arbitrary late fees upon Complainant for current services that were paid or are the subject of the Formal Complaint filed by Complainant on against PECO on May 29, 2014 and docketed at PUC No. C2014-2423794 disputing the validity of the charges/billings by PECO and which do not constitute current charges that would give rise to or support any of PECO's notices of termination.

X I am having a reliability, safety or quality problem with my utility service. Explain the problem, including dates, times or places and any other relevant details that may be important.

Foreign wiring, defective meters and usage reading issues have continually existed on the subject premises to the present time and which have and continue to result in unreliable assessments by PECO of electrical service usage by Complainant.

X Other (explain).

On May 29, 2014, Complainant filed a Formal Complaint with the PUC, docketed at No. C2014-2423794, against PECO in regard to PECO's May 23, 2014 notice of termination of service to Complainant for an alleged past due balance of \$21,162.84, which same balance was in dispute before the PUC and is the subject of appellate review by the Commonwealth Court of Pennsylvania at No. 597 CD 2014. Said complaint is attached hereto, incorporated herein and marked Exhibit "C".

On May 30, 2014, PECO directed a notice of termination of service on or after July 10, 2014 and predicated said terminated on the very same \$21,162.84 balance alleged for

the May 23, 2014 72-Hours shut-off notice. A copy of said notice is attached hereto, incorporated herein and marked Exhibit "D".

No further notice of termination of service was made on Complainant personally or posted on the subject premises in regard to Complainant as mandated by the notice provisions of the Public Utility Act and, therefore, PECO's threatened action of shut-off of electrical services is in violation of the due process provisions of the Pennsylvania and U.S. Constitutions.

On July 22, 2014, employees, servants and/or agents of PECO hand delivered a copy of a letter PECO directed to the City of Philadelphia Department of Licensing & Inspection, Philadelphia Department of Health and Philadelphia Police Department informing them that PECO intends to terminate electrical services at the subject premises on or after August 1, 2014. A copy of said notice is attached hereto, incorporated herein and marked Exhibit "E".

PECO's June 27, 2014 act of notifying the residents of the subject premises that electrical services were going to be terminated for Complainant's failure to pay charges was conceived and carried out in bad faith and constituted acts of harassment and intimidation of Complainant and to subject Complainant to embarrassment, mental anguish and ridicule in the eyes of the residents.

PECO's intended and/or knew with substantial certainty that its actions were improper and not in accord with the Public Utility Act and laws of the Commonwealth of Pennsylvania but proceeded thereon to retaliate against Complainant for having exercised its rights to challenge the impropriety of PECO's assessment, billing and shut-off practices in regard to Complainant through the two previously filed Formal Complaints against it with the PUC and otherwise challenged PECO's improper and/or unlawful actions.

PECO's intended and/or knew with substantial certainty that its actions were improper and/or unlawful and were aimed to harass, intimidate and otherwise subject Complainant to embarrassment, inconvenience, mental anguish, financial losses, and to demean, defame and diminish Complainant's character and goodwill in the eyes of the residents of the premises, City officials, and professional, business and social relationships.

PECO's actions, as stated above and hereafter, constituted violations of the Public Utility Act, Unfair Trade Practice and Consumer Protection Law and other regulations and laws of the Commonwealth of Pennsylvania.

**Note: If your complaint is only about removing or modifying a municipal lien filed by the City of Philadelphia, the Public Utility Commission (PUC) cannot address it. Only local courts in Philadelphia County can address this type of complaint. The PUC can address a complaint about service or incorrect billing even if that amount is subject to a lien.**

**In addition, the PUC generally does not handle complaints about cell phone or Internet service, but may be able to resolve a dispute regarding voice communications over the**

**Internet (including the inability to make voice 911/E911 emergency calls) or concerns about high-speed access to Internet service.**

**5. Requested Relief**

**How do you want your complaint to be resolved?** Explain what you want the PUC to order the utility or company to do. Use additional paper if you need more space.

- a) to enjoin PECO, its employees, servants and/or agents from terminating electrical services to the subject premises on August 1, 2014 or any future date without prior permission of the PUC and/or a court of proper jurisdiction;
- b) to enjoin PECO, its employees, servants and/or agents from continuing their campaign of retaliating against Complainant, through harassing, intimidating and otherwise subjecting Complainant, its staff and clients to unwarranted intrusion, embarrassment, mental anguish and arbitrary and unreasonable standards to maintain electrical services, for Complainant having exercised its rights under the Public Utility Act and other laws and regulations;
- c) to enjoin PECO, its employees, servants and/or agents from imposing arbitrary and unreasonable conditions upon Complainant and third parties (it alleges are tenants) to continue electrical services at the subject premises;
- d) to enjoin PECO from its deliberate and continuing act of assessing arbitrary and excessive late fees and billing Complainant in its current monthly billing statements for electrical services provided to a third party that PECO reversed and billed Complainant for in June 2012 and is the subject of an appeal still pending in the Commonwealth Court of Pennsylvania at docket no. 759 CD 2014 and upon which PECO predicates its August 1, 2014 and its other multiple notices of termination of electrical services to Complainant and residents of the subject premises since May 2014;
- e) to enjoin PECO from its deliberate and continuing act of threatening Complainant and residents of the subject premises with termination of electrical services when, PECO has failed to meet the requirements for doing so under the Public Utility Act in the first instance and legitimate disputes exist in regard thereto that precludes PECO from doing so;
- f) to order appropriate adjustments to PECO's billing of Complainant for electrical services from 6/2012 to present for PECO's improper and overbillings, assessment of arbitrary and excessive late fees, imposition of arbitrary and excessive deposits and other fees;
- g) to order PECO to produce the complete records surrounding the multiple foreign wiring investigations PECO alleged completed at the subject premises but has never shared any such information and documentation to Complainant, notwithstanding repeated requests therefor from Complainant;
- h) to order PECO to credit Complainant for all payments made by Complainant from 6/2012 to present, all of which payments were for electrical services to the subject premises since that date, since all other charges were/are disputed and the subject of proceedings currently pending before the PUC and Commonwealth Court of Pennsylvania;
- i) to impose sanctions against PECO for its retaliation against Complainant;

j) to impose sanctions against PECO for its violations of the Public Utility Act and other regulations and laws of the Commonwealth in respect of this matter;

k) to impose sanctions against PECO for its continual intentional act of erroneously and arbitrarily assessing and billing Complainant for electrical services PECO knew or should have known had not and/or were not being provided to the subject premises and/or were not chargeable to Complaint because of foreign wiring and other conditions.

**Note: The PUC can decide that a customer was not billed correctly and can order billing refunds. The PUC can also fine a utility or company for not following rules and can order a utility or company to correct a problem with your service. Under state law, the PUC cannot decide whether a utility or company should pay customers for loss or damages. Damage claims may be sought in an appropriate civil court.**

**6. Protection From Abuse (PFA)**

**Has a court granted a “Protection From Abuse” order that is currently in effect for your personal safety or welfare?** The PUC needs this information to properly process your complaint so that your identity is not made public.

**Note: You must answer this 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 problem involving billing, 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            

If your answer to the above question is “yes,” attach a copy of the current Protection From Abuse order to this Formal Complaint form.

**7. Prior Utility Contact**

**a. Is this an appeal from a decision of the PUC’s Bureau of Consumer Services (BCS)?**

YES           

NO            

**Note: If you answered yes, move to Section 8. No further contact with the utility or company is required. If you answered no, answer the question in Section 7 b. and answer the question in Section 7 c. if relevant.**

**b. If this is not an appeal from a BCS decision, have you spoken to a utility or company representative about this complaint?**

YES

NO



**Note: You must contact the utility first if (1) you are a residential customer, (2) your complaint is against a natural gas distribution utility, an electric distribution utility or a water utility AND (3) your complaint is about a billing problem, a service problem, a termination of service problem, or a request for a payment agreement.**

**c. If you tried to speak to a utility company representative about your complaint but were not able to do so, please explain why.**

**Not Applicable (But see below comments)**

**Note: Even if you are not required to contact the utility or company, you should always try to speak to a utility or company representative about your problem before you file a Formal Complaint with the PUC.**

Both Complainant and the residents of the subject premises contacted PECO in regard to the notice of termination of service and received contradictory information and instructions concerning the termination of service issue, conditions to be met for service to continue and whether or not service would still be terminated on August 1, 2014.

On July 23, 2014, Complainant submitted a written communique to PECO, enclosing payment documentation (Exhibit "B") and the July 22, 2014 notice of termination (Exhibit "E") and disputing the legitimacy of PECO's actions. A copy of said letter with attachment is attached hereto, incorporated herein and marked Exhibit "F".

Complainant, its and staff and residents of the premises independently contacted PECO on multiple occasions in regard to all he matters set out herein with varying results and contradictory information being given by PECO in response thereto.

## **8. Legal Representation**

**If you are filing a Formal Complaint as an individual on your own behalf, you are not required to have a lawyer.** You may represent yourself at the hearing.

However, if you are interested in receiving legal representation, you may contact the Widener Harrisburg Civil Law Clinic located at 3605 Vartan Way, Harrisburg, PA 17110, by phone at 717-541-0320 or via email at [lawclinichb@mail.widener.edu](mailto:lawclinichb@mail.widener.edu).

For additional information see Widener Harrisburg's Civil Law Clinic's website <http://law.widener.edu/Academics/ClinicalProgramsandProfessionalTraining/Clinics/HarrisburgCivilLawClinic.aspx>. Based on your income, legal representation may be available to you at no cost or a reduced fee.

If you are already represented by a lawyer **in this matter**, provide your lawyer's name, address, telephone number, and e-mail address, if known. Please make sure your lawyer is

aware of your complaint. If represented by a lawyer, both you and your lawyer must be present at your hearing.

Lawyer's Name Robert L. Simmons, Esquire

Street/P.O. Box 3700 Gateway Drive, Suite 324

City Philadelphia State PA Zip 19145-5948

Area Code/Phone Number (215) 462-4577

E-mail Address (if known) rlsim03@aol.com


**Note: Corporations, associations, partnerships, limited liability companies and political subdivisions are required to have a lawyer represent them at a hearing and to file any motions, answers, briefs or other legal pleadings.**

**9. Verification and Signature**

**You must sign your complaint.** Individuals filing a Formal Complaint **must** print or type their name on the line provided in the verification paragraph below and **must** sign and date this form in **ink**. **If you do not sign the Formal Complaint, the PUC will not accept it.**

**Verification:**

*I, H. Scott Hawes, 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 of Complainant)

July 31, 2014  
(Date)

President

**Title of authorized employee or officer** (only applicable to corporations, associations, partnerships, limited liability companies or political subdivisions)

**Note: If the Complainant is a corporation, association, partnership, limited liability company or political subdivision, the verification must be signed by an authorized officer or authorized employee. If the Formal Complaint is not signed by one of these individuals, the PUC will not accept it.**

**10. Two Ways to File Your Formal Complaint**

**Electronically.** You must create an account on the PUC's eFiling system, which may be accessed at [www.puc.pa.gov/efiling/default.aspx](http://www.puc.pa.gov/efiling/default.aspx).

**Note:** If you are appealing your Bureau of Consumer Services (BCS) decision, you must file your formal complaint by mail.

**Mail.** Mail the completed form with your original signature and any attachments, by certified mail, first class mail, or overnight delivery to this address:

Secretary  
Pennsylvania Public Utility Commission  
400 North Street  
Harrisburg, Pennsylvania 17120

**Note:** Formal Complaints sent by fax or e-mail 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 Formal Complaint for your records.**

**EXHIBIT "A"**



An Exelon Company

## NOTICE OF TERMINATION OF SERVICE

**Date of Notice: June 27, 2014**

**Service will be terminated on or after: July 28, 2014**

**Account no: 62477-07068**

**Service Address: 3040 N. 22<sup>nd</sup> Street, Philadelphia, PA**

Service to 3040 N. 22<sup>nd</sup> Street, Philadelphia, PA, is scheduled to be shut-off on or after July 28, 2014, because your landlord has failed to pay charges when due. Under Pennsylvania law, affected tenants may avoid termination by making payment directly to the utility company for the 30 days preceding this notice and new charges going forward. You may deduct any payments made to the utility from your monthly rent. To make payment to avoid termination, you must pay with a check or money order drawn by you and made payable to PECO Energy Company. PECO Energy may require that you provide reasonable identification prior to accepting payment (such as a driver's license or other photo identification which contains your name and address).

### IMPORTANT NOTICE TO TENANTS

**WARNING: YOUR PECO ENERGY ELECTRIC SERVICE MAY BE SHUT OFF ON OR AFTER JULY 28, 2014, BECAUSE YOUR LANDLORD HAS FAILED TO PAY CHARGES DUE TO PECO ENERGY FOR ELECTRIC SERVICE. TO STOP THE SHUTOFF OF YOUR UTILITY SERVICE, YOU MUST DO ONE OF THE FOLLOWING THINGS:**

1. You can join with the other tenants to pay the utility bill for the last 30 days preceding this notice or you can pay the total bill yourself. Either way, you do not have to pay a deposit or get credit granted in your name. You will not have to pay your landlord's other debts or the debts of prior tenants, and the utility service will remain in the name of the landlord.
2. You may deduct your payment to the utility company from your rent due now or from future rent. The utility company will tell your landlord how much you paid for that utility service.

### ADDITIONAL INFORMATION

1. The bill which must be paid to continue service is \$809.07.
2. Your landlord cannot punish you if you pay the utility bill. Your landlord cannot raise your rent, cannot evict you and cannot take action against you in any other way for paying the utility bill and deducting it from rent. You have a right to recover money damages from the landlord for any damages or injury he causes you for exercising your rights as a result of this notice.
3. You have the right to dispute the accuracy of the bill and have certain other rights. If you would like further information regarding these rights, contact your utility at PECO Energy Company, 2301 Market Street, Philadelphia, PA 19103 or 1-800-494-4000.

### DO YOU HAVE ANY QUESTIONS?

If you have any questions about your utility service, please contact the utility company at PECO Energy Company, 2301 Market Street, Philadelphia, PA 19103 or 1-800-494-4000. If, after talking about your problems with the utility, you are not satisfied, then call the Pennsylvania Public Utility Commission at its toll-free number, which is 1-800-692-7380, or write the Residential Termination Unit, Bureau of Consumer Services, Pennsylvania Public Utility Commission, P.O. Box 3265, Harrisburg, Pennsylvania 17120. **YOU SHOULD CALL OR WRITE BEFORE THE SHUTOFF. TO AVOID SHUTOFF, YOUR LETTER MUST BE RECEIVED BEFORE THE SHUTOFF DATE.**

**EXHIBIT "B"**



**EXHIBIT "C"**

# PENNSYLVANIA PUBLIC UTILITY COMMISSION

## Formal Complaint

*Filing this form begins a legal proceeding and you will be a party to the case.  
If you do not wish to be a party to the case, consider filing an informal complaint.*

**To complete this form, please type or print legibly in ink.**

### 1. Customer (Complainant) Information

Provide your name, mailing address, county, telephone number(s), e-mail address and utility account number:

Name ALLIANCE OF YOUTH MISSION MINISTRIES, INC.

Street/P.O. Box 3040 N. 22<sup>nd</sup> Street Apt #

City Philadelphia State PA Zip 19132

County Philadelphia

Telephone Number(s) Where We Can Contact You During the Day:

(215) 232-1399 (Work) ( ) (mobile)

E-mail Address (optional): \_\_\_\_\_

Utility Account Number (from your bill) 6247707068

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

Name \_\_\_\_\_

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

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

### 2. Name of Utility or Company (Respondent)

Provide the full name of the utility or company about which you are complaining. The name of your utility or company is on your bill.

PECO Energy Company/An Exelon Company

3. Type of Utility Service

Check the box listing the type of utility service that is the subject of your complaint (check only one):

- ELECTRIC                       WASTEWATER/SEWER  
 GAS                                       TELEPHONE/TELECOMMUNICATIONS (local, long distance)  
 WATER                                       MOTOR CARRIER (e.g. taxi, moving company, limousine)  
 STEAM HEAT

4. Reason for Complaint

**What kind of problem are you having with the utility or company?** Check all boxes below that apply and state the reason for your complaint. Explain specifically what you believe the utility or company has done wrong. Provide relevant details including dates, times and places and any other information that may be important. If the complaint is about billing, tell us the amount you believe is not correct. Use additional paper if you need more space. **Your complaint may be dismissed without a hearing if you do not provide specific information.**

- The utility is threatening to shut off my service or has already shut off my service.

On 5/23/2014, PECO issued a 72 Hours shut off notice and demanded payment of \$21,162.84, which Complainant did not owe and was erroneously charged by PECO and which formed the basis for the ill-conceived and issued shut off notice. See Exhibit "A", attached.

- I would like a payment agreement.

- Incorrect charges are on my bill. Provide dates that are important and an explanation about any amounts or charges that you believe are not correct. Attach a copy of the bill(s) in question if you have it/them.

By its 5/8/2014 letter, PECO informed Complainant that its account balance was \$4,433.94, then posted a shut off notice on 5/23/2014 and demanded payment of \$21,162.84 to avoid the shut off. See Exhibits "A" and "B", attached.

- I am having a reliability, safety or quality problem with my utility service. Explain the problem, including dates, times or places and any other relevant details that may be important.

- Other (explain). Over-charging; improper billings; mixing disputed charges with current monthly charges; failing to respond to repeated requests for proper meters and verification of proper meter readings; failing to fully investigate foreign wiring issues and providing Complainant with the results thereof; failing to meet the requirements of the Public Utility Code in issuing the shut off notice.

**Note: If your complaint is only about removing or modifying a municipal lien filed by the City of Philadelphia, the Public Utility Commission (PUC) cannot address it. Only local courts in Philadelphia County can address this type of complaint. The PUC can address a complaint about service or incorrect billing even if that amount is subject to a lien.**

**In addition, the PUC generally does not handle complaints about cell phone or Internet service, but may be able to resolve a dispute regarding voice communications over the Internet (including the inability to make voice 911/E911 emergency calls) or concerns about high-speed access to Internet service.**

**5. Requested Relief**

**How do you want your complaint to be resolved?** Explain what you want the PUC to order the utility or company to do. Use additional paper if you need more space.

- a) To make appropriate adjustments to Complainant's billing for improper billings, over-billings and late fees on disputed charges that were the subject of PUC proceedings
- b) Provide Complainant with an itemized statement of billings by and payments made to PECO from 6/2012 to present
- c) Credit Complainant for all payments made since June 2012 which payments were for current monthly billings from June 27, 2012 to present only, since all other charges were disputed and the subject of litigation
- d) Order PECO to release to Complainant the complete records concerning the foreign wiring investigations PECO made at the service address.
- e) Reverse PECO's billing of Complainant for other than current monthly usage from June 27, 2012 and utilizing same as basis for issuing shut-off notices to Complainant when all but the current monthly charges were disputed and the subject of PUC and judicial proceedings
- f) Order PECO to install the proper meter at the service address and adjust Complainant's past bills accordingly for the overcharges associated with the installation of the Improper meter
- g) Award Complainant damages for losses sustained as the result of PECO's failure to give the mandated notice of and the shut off of electrical services at the service premises
- h) Impose sanctions upon PECO for imposing arbitrary standards upon Complainant, in violation of the Public Utility Code, to secure and continue receiving electric service
- i) Imposing sanctions on PECO for its erroneous and arbitrary billings and over charging of Complainant for services not provided and/or not chargeable to Complainant

**Note:** The PUC can decide that a customer was not billed correctly and can order billing refunds. The PUC can also fine a utility or company for not following rules and can order a utility or company to correct a problem with your service. Under state law, the PUC cannot decide whether a utility or company should pay customers for loss or damages. Damage claims may be sought in an appropriate civil court.

**6. Protection From Abuse (PFA)**

**Has a court granted a “Protection From Abuse” order that is currently in effect for your personal safety or welfare?** The PUC needs this information to properly process your complaint so that your identity is not made public.

**Note:** You must answer this 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 problem involving billing, 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              X

If your answer to the above question is “yes,” attach a copy of the current Protection From Abuse order to this Formal Complaint form.

**7. Prior Utility Contact**

**a. Is this an appeal from a decision of the PUC’s Bureau of Consumer Services (BCS)?**

YES              
NO              X

**Note:** If you answered yes, move to Section 8. No further contact with the utility or company is required. If you answered no, answer the question in Section 7 b. and answer the question in Section 7 c. if relevant.

**b. If this is not an appeal from a BCS decision, have you spoken to a utility or company representative about this complaint?**

YES            X  
NO             

**Note:** You must contact the utility first if (1) you are a residential customer, (2) your complaint is against a natural gas distribution utility, an electric distribution utility or a water utility **AND** (3) your complaint is about a billing problem, a service problem, a termination of service problem, or a request for a payment agreement.

- c. If you tried to speak to a utility company representative about your complaint but were not able to do so, please explain why.

Complainant, in good faith, made repeated attempts to resolve this matter with PECO but each effort was met by PECO's bad faith in demanding that Complainant pay \$21,162.84 to avoid immediate shut off and for continued electric service and while also failing to provide Complainant with an itemization of the \$21,162.84 charge. Complainant also filed an Informal Complaint with the PUC (Josh Goode, PUC #3243792) and on 5/28/2014 Complainant was informed that PUC could take no action on Complainant's complaint.

**Note: Even if you are not required to contact the utility or company, you should always try to speak to a utility or company representative about your problem before you file a Formal Complaint with the PUC.**

## 8. Legal Representation

If you are filing a Formal Complaint as an individual on your own behalf, you are not required to have a lawyer. You may represent yourself at the hearing.

However, if you are interested in receiving legal representation, you may contact the Widener Harrisburg Civil Law Clinic located at 3605 Vartan Way, Harrisburg, PA 17110, by phone at 717-541-0320 or via email at [lawclinicb@mail.widener.edu](mailto:lawclinicb@mail.widener.edu).

For additional information see Widener Harrisburg's Civil Law Clinic's website <http://law.widener.edu/Academics/ClinicalProgramsandProfessionalTraining/Clinics/HarrisburgCivilLawClinic.aspx>. Based on your income, legal representation may be available to you at no cost or a reduced fee.

If you are already represented by a lawyer **in this matter**, provide your lawyer's name, address, telephone number, and e-mail address, if known. Please make sure your lawyer is aware of your complaint. If represented by a lawyer, both you and your lawyer must be present at your hearing.

Lawyer's Name ROBERT L. SIMMONS, ESQUIRE

Street/P.O. Box 3700 Gateway Drive, Suite 324

City Philadelphia State PA Zip 19145-5948

Area Code/Phone Number (215) 462-4577

E-mail Address (if known) rlsim03@aol.com


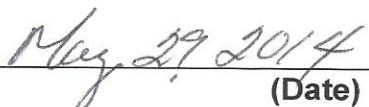
**Note: Corporations, associations, partnerships, limited liability companies and political subdivisions are required to have a lawyer represent them at a hearing and to file any motions, answers, briefs or other legal pleadings.**

9. **Verification and Signature**

You must sign your complaint. Individuals filing a Formal Complaint **must** print or type their name on the line provided in the verification paragraph below and **must** sign and date this form in **ink**. If you **do not sign** the Formal Complaint, the PUC **will not accept** it.

**Verification:**

*I, Ralph LaRue Smith, 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 of Complainant) (Date)

President \_\_\_\_\_

Title of authorized employee or officer (only applicable to corporations, associations, partnerships, limited liability companies or political subdivisions)

**Note:** If the Complainant is a corporation, association, partnership, limited liability company or political subdivision, the verification **must** be signed by an authorized officer or authorized employee. If the Formal Complaint is **not signed** by one of these individuals, the PUC **will not accept** it.

10. **Two Ways to File Your Formal Complaint**

**Electronically.** You must create an account on the PUC's eFiling system, which may be accessed at [www.puc.pa.gov/efiling/default.aspx](http://www.puc.pa.gov/efiling/default.aspx).

**Note:** If you are appealing your Bureau of Consumer Services (BCS) decision, you must file your formal complaint by mail.

**Mail.** Mail the completed form with your original signature and any attachments, by certified mail, first class mail, or overnight delivery to this address:

Secretary  
Pennsylvania Public Utility Commission  
400 North Street  
Harrisburg, Pennsylvania 17120

**Note:** Formal Complaints sent by fax or e-mail 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 Formal Complaint for your records.

**72-HOUR SHUT-OFF NOTICE**  
(Aviso Suspension De Servicio En 72 Horas)

N111: Alliance Youth Mission Ministries  
A222: 3840 N 22nd St  
Philadelphia PA 19132

Date: 5-23-14

Account: 6247707068

**YOUR ELECTRIC / GAS SERVICE WILL BE SHUT OFF !**

We will shut off your PECO Service on or after 8:00 a.m. on 5-28-14 because:

You have a PAST DUE amount of PECO charges in the amount of \$ 21,162.84 as of 5-23-14

Other: \_\_\_\_\_

We will **NOT** shut off your electric/gas service if you do **ONE** of the following:

- Pay \$ \_\_\_\_\_ in full **BEFORE 5/28**. This includes any amount you owe on your payment plan.
- This notice is effective for **30 days**.
- Show us a paid receipt for the past due amount.
- Call **1-888-480-1533 right away** if you dispute this bill or to provide us with household income and occupant information. You may be eligible for a payment agreement or special assistance programs.
- **To talk about your bill or ten day notice, please call our office at 1-888-480-1533**

**WE MUST RECEIVE YOUR PAYMENT BEFORE THE SHUT-OFF DATE. WE WILL NOT ACCEPT PAYMENTS AT YOUR PROPERTY.**

**If we shut off your electric/gas service, you may have to pay all of the following before we can turn your service on:**

- Past Due Amount of \$ 21,162.84
- Deposit Past Due Amount of \$ \_\_\_\_\_
- Agreement Unbilled Balance \$ \_\_\_\_\_
- Total \$ 21,162.84

If your service is shut off, you may be required to pay any additional bills that have become past due to restore your service.

**\*\*If your service is shut off, you may have to make substantial payments in order to have your service restored. In addition to any balance owed, you will have to pay a Reconnection charge of between \$20.00 and \$1,700.00. This fee amount is set by PECO's tariff and based on how much work is needed to restore your service. You may also be required to pay a deposit equal to two times your average monthly usage.**

**MEDICAL EMERGENCY NOTICE**

Let us know if you or anyone presently and normally living in your home is **SERIOUSLY ILL**. WE WILL NOT SHUT OFF YOUR SERVICE during such an illness provided you:

1. Have your licensed physician or nurse practitioner certify by phone and in writing that such an illness exists and that it may be aggravated if your service is shut off, phone certification must be followed by written certification within 7 days.
- AND
2. Make arrangements to pay this bill. You must provide us with household income and occupant information to determine your payment terms while protected under the medical certification.

**IMPORTANT TO KNOW**

Before we shut off your utility service please read the back of this notice. You may be eligible for certain protections from shut off.

Atencion! Este es un mensaje muy importante. Si usted no lo entiende, favor de llamar a

1-888-480-1533.

**SEE OTHER SIDE FOR MORE INFORMATION.**

*EXHIBIT "A"*



An Exelon Company

PECO  
2301 Market Street  
Philadelphia, PA 19103

www.peco.com

May 8, 2014

**ALLIANCE YOUTH MISSION MINISTRIES  
3040 N 22ND ST  
PHILADELPHIA PA 19132**

**RE: 3040 N 22ND ST  
PHILADELPHIA, PA. 19132  
Account Number: 62477-07068**

**Dear ALLIANCE YOUTH MISSION MINISTRIES,**

**Your utility services account is past due for the amount of \$4,433.94. The referenced service account is in jeopardy of termination. PECO Energy Company is attempting to ascertain whether your business qualifies as a health care facility which is entitled to receive enhanced notice prior to service termination. Pursuant to 52 Pa. Code § 55.103@, PECO Energy requests a copy of your current license or operating certificate issued by your regulatory agency. In addition, please provide me with the name, address and phone number of an employee or representative who will act on behalf of the facility to receive and take action on termination notices regarding utility service. This information must be provided to me within ten (10) days of the date of this letter.**

**If you are interested in making payment arrangements, please contact me at (215) 841-6192 right away or you can call PECO customer service at 1800-494-4000. In the event that you fail to make arrangements for payment, your regulatory agency, if applicable will receive a copy of the termination notice mailed to you, and you will be required to cooperate with the agency to ensure a safe and orderly transfer of the residents prior to the termination date.**

**Sincerely,**

**K. Hinton  
Credit Specialist  
Revenue Management**

*EXHIBIT "B"*

**CERTIFICATE OF SERVICE**

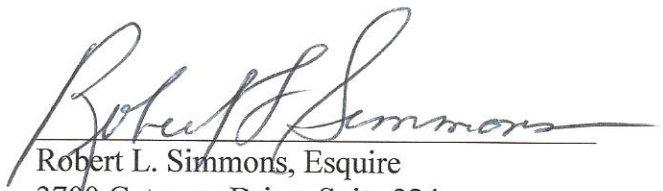
I hereby certify that I have this day served a true copy of the foregoing document upon the parties, listed below, in accordance with the requirements of §1.54 (relating to service by a party:

e-Filing:  
Secretary  
Pa. Public Utility Commission  
400 North Street  
Commonwealth Keystone Bldgl, 2<sup>nd</sup> Floor  
Harrisburg, PA 17120

e-mail: Shawane.lee@exeloncorp.com  
& First Class Mail  
Shawane L. Lee, Esquire  
Exelon Legal Department  
2301 Market Street/S23-1  
Philadelphia, PA 19103

ra-OSA@pa.gov  
Pa. Public Utility Commission  
Office of Special Assistants

Dated: 5/29/2014



Robert L. Simmons, Esquire  
3700 Gateway Drive, Suite 324  
Philadelphia, PA 19145-5948  
(215) 462-4577

Counsel for Complainant

**EXHIBIT "D"**



An Exelon Company

## NOTICE OF TERMINATION OF SERVICE

May 30, 2014

**via Certified and First Class Mail**

Alliance Youth Mission Ministries  
3040 N. 22<sup>nd</sup> Street  
Philadelphia, PA 19132

RE: PECO Energy Company Account No. 62477-07068  
Service Address: 3040 N. 22<sup>nd</sup> Street, Philadelphia, PA  
Past Due Balance: \$21,162.84

Dear Sir or Madam:

I am an attorney for PECO Energy Company ("PECO Energy") and represent the company in collection matters. PECO Energy's records indicate that, despite repeated requests for payment, Alliance Youth Mission Ministries has failed to pay \$21,162.84 toward the above-noted account. Because of this failure to pay the amount due, PECO Energy will terminate service on or after July 10, 2014.

Pursuant to 66 Pa. C.S. §1525, please be advised of the following:

- 1) The amount you must pay to avoid termination of service is \$21,162.84.
- 2) If payment is not received, service will be terminated on or after July 10, 2014.
- 3) PECO Energy will notify tenants at the property of the scheduled termination on or after June 9, 2014, by mailing or hand-delivering and posting notice in common areas of the property advising tenants of the scheduled termination and their rights under 66 Pa. C.S.A. §§1527, 1529, and 1531.
- 4) Pursuant to 66 Pa. C.S.A §1524, you are required to provide PECO Energy with the names and addresses of all tenants who will be affected by termination of utility service to the property. The list must be furnished to me within seven (7) days of the date of this letter. Pursuant to 66 Pa. C.S.A. § 1532, if you do not provide the list as requested, you may be required to pay, as liquidated damages to PECO Energy, not less than \$500 but not more than \$1,000 for each day of your failure to comply.
- 5) You have the right to file a complaint with the Pennsylvania Public Utility Commission disputing PECO Energy's right to terminate service. If you file such a complaint, notification to your tenants will be stayed pending resolution of the matter.

If you have questions about this notice, you may contact me at (215) 841-6816.

Very truly yours,

A handwritten signature in cursive script that reads "Lynn R. Zack".

Lynn R. Zack  
Assistant General Counsel

**EXHIBIT "E"**



Direct Dial: 215-841-6816  
Fax: 215-841-4474

July 22, 2014

**Via Fax and First Class Mail**

Inspector Tanisha Scott  
City of Philadelphia L&I  
North Philadelphia Operations  
4000 N. American St.  
Philadelphia, PA 19140

Philadelphia Department of Health  
Environmental Engineering  
Attention: Leigh Anne Rainford  
321 University Avenue  
Philadelphia, PA 19104

**Via Electronic and First Class Mail**

Philadelphia Police Department  
39<sup>th</sup> District  
2201 W. Hunting Park Ave.  
Philadelphia, PA 19140

**Re: Termination of Utility Service to 3040 N 22<sup>nd</sup> Street, Philadelphia, PA 19132**

Dear Sir or Madam:

I am an attorney for PECO Energy Company ("PECO Energy") and represent the company in credit and collection matters. Pursuant to 66 Pa. C.S.A. § 1523(a)(2), PECO Energy is required to notify your office that it intends to terminate utility service to 3040 N 22nd Street, Philadelphia, PA. **Service is scheduled to be terminated at the above-noted properties on or after August 1, 2014.** All required notices have been provided to the landlord and the tenants.

If you have any questions, please feel free to call me at (215) 841-6816.

Sincerely,

A handwritten signature in cursive script that reads "Lynn R. Zack".

Lynn R. Zack  
Assistant General Counsel

cc: Alliance Youth Mission Ministries (via First Class Mail)  
All Tenants at the Subject Properties (via Hand Delivery)  
Pennsylvania Public Utility Commission (via Electronic Mail)

**EXHIBIT “F”**

ALLIANCE OF YOUTH MISSION MINISTRIES  
3040 N. 22<sup>ND</sup> STREET  
PHILADELPHIA, PA 19131  
267-324-5042

July 23, 2014

EXELON

ATTN: Lynn R. Zack,

Assistant General Counsel

VIA FACSIMILE 215-841-4474 - 6 pages

Dear Esquire Zack;

Today two (2) representatives from PECO delivered copies of the attached letter to the residents at the above referenced address. Please be advised that in accordance with the NOTICE OF TERMINATION OF SERVICE, dated June 27, 2014, a payment of \$809.07 was paid by Cashier's Check # 6603000739, dated July 17, 2014, in the amount of \$820 on July 21<sup>st</sup>.

In addition, we are scheduled to appear in court regarding our dispute of this bill on July 28, 2014. You neglected to send our Attorney, Robert L. Simmons a copy of attached letters, however we will forward to him for additional exhibits for our defense.

Sincerely,

Scott Hawes, President

Kendall Hayes, Vice President


**CERTIFICATE OF SERVICE**

I hereby certify that I have this day served a true copy of the Formal Complaint upon the parties, listed below, in accordance with the requirements of §1.54 (relating to service by a party:

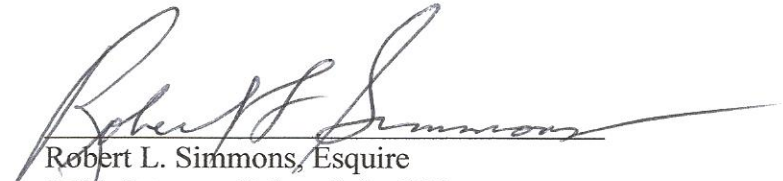
e-Filing:  
Secretary  
Pa. Public Utility Commission  
400 North Street  
Commonwealth Keystone Bldg, 2<sup>nd</sup> Floor  
Harrisburg, PA 17120

e-mail: Shawane.lee@exeloncorp.com  
& First Class Mail  
Shawane L. Lee, Esquire  
Exelon Legal Department  
2301 Market Street/S23-1  
Philadelphia, PA 19103

ra-OSA@pa.gov  
Pa. Public Utility Commission  
Office of Special Assistants

Dated: \_\_\_\_\_

7/31/2014



Robert L. Simmons, Esquire  
3700 Gateway Drive, Suite 324  
Philadelphia, PA 19145-5948  
(215) 462-4577

Counsel for Complainant