

Legal Department

Exelon Business Services Company
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ORIGINAL Business Services Company

Direct Dial: 215.841.6841

May 10, 2006

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

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MAY 10 2006

**Re: Charles S. Gans, Jr. v. PECO Energy Company
PUC Docket No. C-20066234**

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.

- X Answer (original and 3 copies)
- Petition (original and 3 copies)
- Answer, New Matter and Motion to Dismiss (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
Lisa A. Lutz
Counsel for PECO Energy Company

**DOCUMENT
FOLDER**

LAL/zr

Enc.

SCHEDULING RECOMMENDATION: X CALL OF THE DOCKET NON-CALL OF THE DOCKET



BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

ORIGINAL

CHARLES S. GANS, JR.

v.

PECO ENERGY COMPANY

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DOCKET NO. C-20066234

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. Complainant also receives gas service from PECO Energy Company.
- 4. Admitted in part and denied in part. PECO Energy admits a notice of termination

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SECRETARY'S OFFICE

was forwarded to Complainant due to the account delinquency; PECO Energy denies the notice was improper.

PECO Energy also denies that Complainant is unable to pay his gas and electric bill and strict proof thereof is hereby demanded at time of hearing. PECO Energy avers that Complainant's account balance is \$6,112.49. Complainant's average monthly bill is \$192.00. Complainant has a poor payment history with many missed or late payments.

By way of further answer, PECO Energy's records indicate Complainant's account is no longer in the Customer Assistance Program ("CAP"). On January 6, 2005, PECO Energy provided notice to Complainant that he was no longer eligible for the CAP discount on his account due to his change in income.

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A decision of the Bureau of Consumer Services (“BCS”) issued on or about February 9, 2006. The BCS decision did find Complainant’s household income was over the income level to participate in the Customer Assistance Program (“CAP”). A copy of the BCS decision is attached as Exhibit A.

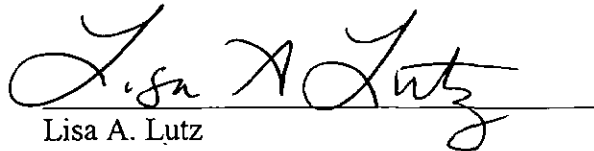
PECO Energy also denies the recent gas rate increase was improper as the increase was due to increases to PECO Energy in the cost of buying gas on behalf of customers from wholesale suppliers.

By way of further answer, all of the PECO’s rates have been approved by and are regulated by the Public Utility Commission and/or the Federal Energy Regulatory Commission. The charges are regulated by the Public Utility Commission (“PUC”); and they are contained within PECO Energy’s Gas Service Tariff, Pa. P.U.C. No. 2 approved by and on file with the PUC. The Tariff provisions approved by the PUC are prima facie reasonable. 66 Pa. C.S.A. § 316 (1999); See also, Kossman v. Pennsylvania Public Utility Commission, 694 A.2d 1147 (Pa. Cmwlth. 1997). Moreover, tariffs that have been approved by the PUC have the full force and effect of law and are binding on both the utility and its customers. Brockway Glass Co. v. Pennsylvania Utility Commission, 437 A.2d 1067 (Pa. Cmwlth. 1981).

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

WHEREFORE, PECO Energy Company respectfully requests that your Honorable Commission dismiss the instant Complaint. PECO Energy further requests that your Honorable Commission enter an Interim Order directing payment of current undisputed consumption charges, pursuant to 66 Pa. Code §1410(2), and reminding Complainant that PECO Energy Company is authorized to terminate service if Complainant fails to pay pursuant to Sections 56.174(3) and 56.81(1) of the Public Utility Code.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "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
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**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

CHARLES S. GANS, JR.

v.

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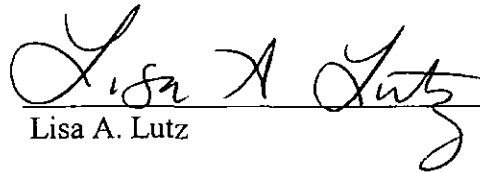
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VERIFICATION

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: May 10, 2006



Lisa A. Lutz

Date: 5/2/06

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

Case Number: 1844651
Customer Name: CHARLES S GANS
Address: 22 SUMMIT ST
DARBY PA 19023-0

Opened On: 2/4/05
Utility Type: Electric Distributor
Account Number: 500734394041
Company Name: PECO Energy

Prior Case: 1269858 Total Balance: \$5,091.57 Balance Date: 2/2/06

Compliance

Violation(Alleged, Actual, No): NO

Chap 56/64/Other:

Section/Rule:

Decision Issued: N

Oral Written: W

Investigator: TROUT, TERRY

PUC Decision Issued Dt: 2/9/06

PUC Case Closed Dt: 2/9/06

Decision Recvd Dt: 2/9/06 02:25PM

Letter Description: CHAPTER 14 EGW DISMISS/CONTACT COMP LETTER

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:

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SECRETARY'S BUREAU

Resolution:

DISMISSING COMPLAINT. 1/6/2005 COMPANY PROVIDE VERBAL DISMISSAL FROM CAP PROGRAM DUE TO CUSTOMER BEING OVER INCOME...CUSTOMER PROVIDED 1 ADULT GROSS 1243.00 (\$433.00 EMPLOYMENT AND SS \$810.00) THIS PLACED CUSTOMER AT 160% POVERTY (USING 2004 GUIDELINES ...GUIDELINES CHANGED FOR 2005 ON 2/18/2005 AND CUSTOMER WOULD HAVE BEEN 156%POVERTY...STILL OVER INCOME) NOTE: CUSTOMER GAVE PUC INCOME OF \$1211.00 (\$824.00 DISAB. & \$387.00 EMPL) FOR 1 ADULT (USING 2004 GUIDELINES CUSTOMER WOULD HAVE BEEN AT 156% POVERTY AND USING 2005 GUIDELINES 152%...OVER INCOME).

Exhibit A

**BEFORE THE
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CHARLES S. GANS, JR.

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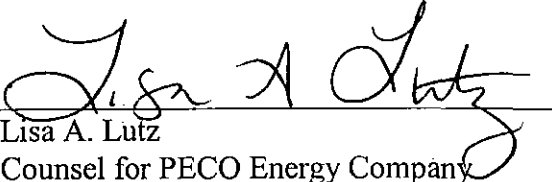
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CERTIFICATE OF SERVICE

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 thereof Certified mail, properly addressed and postage prepaid to:

CHARLES S. GANS, JR. :
22 Summit Street
Darby, PA 19023

Dated at Philadelphia, Pennsylvania, May 10, 2006.



Lisa A. Lutz
Counsel for PECO Energy Company
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REGISTRATION DIVISION