



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

IN REPLY PLEASE
REFER TO OUR FILE

October 2, 2003

PRIYA SANKAR ESQUIRE
PECO ENERGY COMPANY
2301 MARKET STREET S23-1
PO BOX 8699
PHILADELPHIA PA 19101-8699

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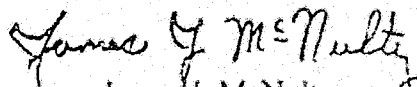
Re Ashia Ra-Ifa v. PECO Energy Company
Z-01162199

Dear Mr. Sankar:

On September 19, 2003, Ashia Ra'Ifa filed Exceptions to the Initial Decision of Administrative Law Judge Cynthia Fordham in the above captioned matter. Our review of the Exceptions revealed that no certificate of service or other indications of service accompanied that filing. Accordingly, we have enclosed a copy of the Exceptions for your use. This shall constitute service of the Exceptions for purposes of 52 Pa. Code §5.533.

Pursuant to 52 Pa. Code §5.535, you shall have ten (10) days from the date of service of the enclosed Exceptions to reply. The Exceptions were filed September 19, 2003. Although the Exceptions were timely filed, due to the failure of Mr. Ra'Ifa to note service on PECO Energy Company, and in order to avoid prejudice to either party, we shall deem the filing date to be the date of this letter for purposes of Section 332(h) of the Public Utility Code, 66 Pa. C.S. §332(h), relating to the time for Commission consideration of Exceptions.

Sincerely,


James J. McNulty
Secretary

Enclosure

cc: ASHIA RA'IFA
311 WATERVIEW LANE
PHILADELPHIA PA 19154
Office of Special Assistants
Document Folder

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Legal Department

Exelon Business Services Company
2301 Market Street/523-1
PO Box 8699
Philadelphia, PA 19101-8699

Telephone 215 841-5544
Fax 215 568-3389
www.exeloncorp.com

Direct Dial: 215 841 6641

October 13, 2003

ORIGINAL

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

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OCT 13 2003

Re: Ashia Ra'ifa v. PECO Energy Company
Docket No.: Z-01162199

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:

- _____ Answer (original and 3 copies)
- _____ Answer and Motion to Dismiss (original and 3 copies)
- _____ Petition (original and 3 copies)
- _____ Answer and New Matter (original and 3 copies)
- _____ Motion to Dismiss (original and 3 copies)
- _____ Exceptions (original and 9 copies)
- _____ X Reply Exceptions (original and 9 copies)
- _____ Brief (original and 9 copies)
- _____ Reply Brief (original and 9 copies)

DOCUMENT FOLDER

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 documents were served on the interested parties.

Very truly yours,


Pritya Sankar
Counsel for PECO Energy Company

PS: zc

Enclosures

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OCT 13 2003

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION
PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

ASHIA RA'IFA

v.

PECO ENERGY COMPANY

DOCKET NO Z-01162199

REPLY OF RESPONDENT PECO ENERGY COMPANY
TO COMPLAINANT'S EXCEPTIONS

Pursuant to 52 Pa. Code § 5.535, PECO Energy Company ("PECO Energy") responds as follows to Complainants' Exceptions:

I. BACKGROUND

This case arises from the complaint of Ashia Ra'ifa to the Public Utility Commission ("PUC" or "Commission") against Respondent, PECO Energy Company ("PECO Energy" or "Company") filed on or about February 13, 2003 and served on PECO Energy on or around February 21, 2003. In her Complaint, Complainant appealed an informal decision rendered by the Bureau of Consumer Services (BCS) decision dated January 8, 2003, which required the Complainant to pay \$900.00 by January 31, 2003 and a budget bill amount of \$309.00 plus \$100.00 toward her arrearage beginning with her bill due in February 2003. PECO Energy filed its Answer on or around March 17, 2003. A hearing was held on August 4, 2003, before Administrative Law Judge Cynthia W. Fordham (hereinafter "ALJ Fordham"). ALJ Fordham issued her Initial Decision on August 20, 2003. On or around September 19, 2003 Complainant filed Exceptions. PECO Energy was served with Complainant's Exceptions on October 2, 2003 and received these Exceptions via mail on October 8, 2003.

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II. ARGUMENTS

PECO Energy agrees with ALJ Fordham's conclusion that certain transportation expenses and credit card expenses are "unreasonable, disallowable expenses." The Commission should only consider reasonable expenses since payment arrangements such as the one provided to Ms. Ra'Ifa "are financed at the expense of all other ratepayers" *Schrivver v. Columbia Gas of Pennsylvania, Inc*, C-00970759 (entered December 23, 1997)(quoting *Bolt v. Duquesne Light Company*, 66 PA PUC 463, 464 (1988)). Considering such expenses in determining a payment arrangement would allow ratepayers to avoid their duty to pay their utility bills.

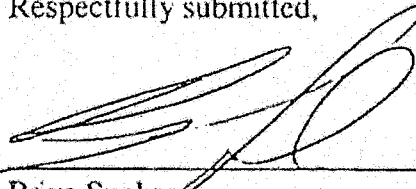
In addition, PECO Energy agrees with ALJ Fordham's use of Ms. Ra'Ifa's gross income in determining the payment arrangement. Gross income is a more suitable indicator of a ratepayer's financial condition. Besides medical coverage and taxes, other expenses that are non-essential may be deducted. The Commission must consider gross income, as opposed to net income, to provide payment arrangements to ratepayers in a uniform and consistent manner.

Based on the information provided by Ms. Ra'Ifa and PECO Energy, and Ms. Ra'Ifa's payment history, ALJ Fordham's decision is reasonable. Based on Ms. Ra'Ifa's income and reasonable expenses, she should be required to make a lump sum payment of \$900.00 plus any missed consumption amounts. Ratepayers have an obligation to pay any undisputed amounts. 52 Pa. PUC § 56.81; See PreHearing Order dated July 21, 2003 attached as Exhibit "A". ALJ Fordham's order for Ms. Ra'Ifa to pay her budget bill amount plus \$100.00 is also reasonable. Ratepayers have an obligation to pay their bills. The budget bill amount will enable Ms. Ra'Ifa to plan for future monthly payments. The budget bill amount can potentially be lowered by Ms. Ra'Ifa controlling her use of electric service. Also, the \$100.00 monthly arrearage payments are consistent with Ms. Ra'Ifa's income and expenses.

III. CONCLUSION

For the foregoing reasons, Complainant's Exceptions dated September 19, 2003 should be DENIED. the Initial Decision of Administrative Law Judge Cynthia W. Fordham should remain undisturbed.

Respectfully submitted,



Priya Sankar
Counsel for PECO Energy Company
2301 Market Street, S23-1
Philadelphia, PA 19101-8699
215-841-6841
priya.sankar@exeloncorp.com

OCT 13 2003

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION
UTILITY COMMISSION
SECRETARY'S BUREAU

ASHIA RA'IFA

v.

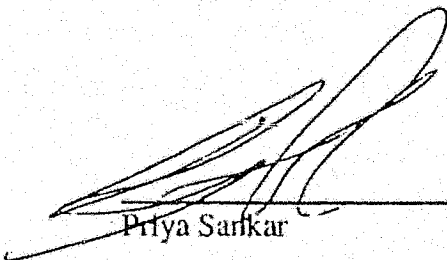
PECO ENERGY COMPANY

DOCKET NO. Z-01162199

VERIFICATION

I, Priya Sankar, 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: October 13, 2003


Priya Sankar

OCT 13 2003

BEFORE THE PENNSYLVANIA PUBLIC UTILITY COMMISSION
PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

ASHIA RA'IFA

DOCKET NO. Z-01162199

v.

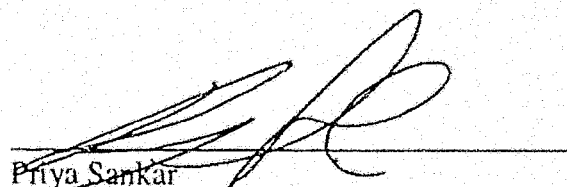
PECO ENERGY COMPANY

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 thereof Certified mail, properly addressed and postage prepaid to:

Ashia Ra'ifa
311 Waterview Lane B13
Philadelphia, PA 19154-2535

Dated at Philadelphia, Pennsylvania, October 13, 2003.



Priya Sankar
Counsel for PECO Energy Company
2301 Market Street, S23-1
P.O. Box 8699
Philadelphia, PA 19101-8699
215-841-6841
priya.sankar@exeloncorp.com

DATE: October 24, 2003

SUBJECT: Z-01162199

TO: Cheryl W. Davis, Director
Office of Special Assistants

FROM: James J. McNulty
Secretary
nvl

ASHIA RA-IFA
VS
PECO ENERGY COMPANY

Copies of the Initial Decision have been served upon all parties of interest.

Exceptions have been filed by:

ASHIA RA-IFA

Reply Exceptions have been received from:

PECO ENERGY COMPANY

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cc: Susan Hoffner