

CAPTION SHEET

CASE 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: 03/30/06
8. DOCKET NO: C-20066058	:	9. EFFECTIVE DATE: 00/00/00

PARTY/COMPLAINANT: HERBST, LISA

RESPONDENT/APPLICANT: PECO ENERGY COMPANY

COMP/APP COUNTY: MONTGOMERY

UTILITY CODE: 110550

ALLEGATION OR SUBJECT

COMPLAINANT STATES SHE NEEDS HER PAYMENT AGREEMENT LOWERED BACK DOWN TO THE \$100.00 A MONTH.

**DOCKETED**

MAR 31 2006

DOCUMENT  
FOLDER

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Formal Complaint Form

SECRETARY'S BUREAU

Please print or type.

C-20066058

2006 MAR 30 AM 9:17

1. CUSTOMER NAME (COMPLAINANT)

SECRETARY'S BUREAU

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

Name LISA HERBST

Street/P.O. Box 250 Washington St Apt #

City Royersford State PA Zip 19468

County Montgomery

Area Code/HOME Phone 610 792-3906

Area Code/WORK Phone Not allowed to receive calls

Utility Account Number 400907113064  
(from your bill)

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

Name

Street/P.O. Box

City  State  Zip

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)

Combined Bill

**DOCKETED**

MAR 31 2006

DOCUMENT  
FOLDER

11

I don't understand why the special agreement fee was increased. If I'm having trouble paying the current charge and asked to go on a budget plan - why and how would they think that I could pay what they are asking for me to pay.

The budget amount is \$40.00 which I can pay, but the special agreement is 400.00 which I cannot pay.

My monthly income varies as I'm a school bus driver, my husband's income varies also. They did not even ask what are monthly bills are - or what are deductions are.

Enclosed is copy of a paycheck stub for me with the pay date of 3/24/06 and a copy of my husband's paycheck stub with a pay date of 3/15/06.

We have the following bills on a monthly bases

Mortgage of 887.66

Combined car payment 721.00

Phone bill 200.00 (Includes Home phone & cell phone)

Rent 340.00

Prescription 225.00

Gas for cars 200.00

Water 40.00

Sewer & trash 15.00

~~Homeowners~~  
Homeowners 100.00

Car Insurance 219.00

There are 6 of us in the Home. 2 adults and 4 kids.

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. Special Agreement Payment Amount.  
(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. In 2005 my Special Agreement payment was \$15.00. In 2006 I called to get on a budget plan which I was placed on. But my Special Agreement was also increased. I cannot afford the special agreement increase.

OVER →

5. RELIEF

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

Relief - Cut the special agreement back to \$100.00 a month

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: 1 Susan Heibel, 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).

Susan Heibel  
(Signature)

3/27/06  
(Date)

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 <sup>nd</sup> 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: MARCH 31, 2006

LISA HERBST

Complainant

v.

PECO ENERGY COMPANY

Respondent

Complaint Docket  
No: C-20066058

JCUM  
-OLD-  
**DOCKETED**

MAR 31 2006

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FORMAL COMPLAINT NOTICE TO RESPONDENT TO ANSWER OR SATISFY

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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

IN REPLY PLEASE  
REFER TO OUR FILE

DATE SERVED: MARCH 31, 2006

C-20066058

PECO ENERGY COMPANY  
C/O WARD L SMITH  
ASSOCIATE GENERAL COUNSEL  
PO BOX 8699  
PHILADELPHIA PA 19101-8699

Dear Mr. Smith:

A complaint has been filed against you before the Pennsylvania Public Utility Commission by LISA HERBST. 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.

Detailed instructions on how to proceed are contained in the attached pages. You are advised to read them carefully.

JUL 11 2006  
FOLDER

MARCH 31, 2006

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

Telephone 215 841 5544

Business Services  
Company

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

Fax 215 568 3389  
www.exeloncorp.com

**ORIGINAL**

Direct Dial: 215 841.6841

April 21, 2006

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

RECEIVED

APR 21 2006

PA PUBLIC UTILITY COMMISSION  
CLERK OF THE COMMISSION

Re: Lisa Herbst v. PECO Energy Company  
PUC Docket No. C-20066058

Dear Mr. McNulty:

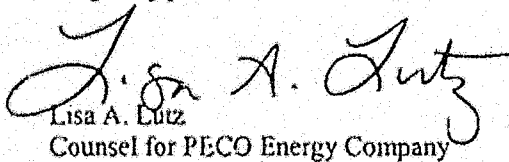
Enclosed for filing with the Commission are the following documents and copies in the matter referenced above.

- 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)

**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 document was served on the interested parties.

Very truly yours,

  
Lisa A. Lutz  
Counsel for PECO Energy Company

LAL/zr

Enc

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

BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION

LISA HERBST

v.

PECO ENERGY COMPANY

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DOCKET NO. C-20066058

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.

DOCUMENT  
FOLDER

RECEIVED  
APR 9 2006  
PUBLIC UTILITY COMMISSION

4. Admitted in part and denied in part. PECO Energy admits that a notice of termination was issued due to the account delinquency; PECO Energy denies the notice was improper. PECO Energy further denies that Complainant is unable to pay her gas and electric bill and strict proof thereof is hereby demanded at time of hearing.

By way of further answer, PECO Energy avers that Complainant's account balance is \$12,725.22. Complainant's average monthly bill is \$315.00. Complainant has a poor payment history with many missed or late payments. Complainant's current account balance includes a prior unpaid final balance for service provided at Complainant's previous residence, 2022 Bayless Place, in Norristown, in an amount of \$3,815.91. This former address unpaid final balance was transferred to Complainant's current account on July 14, 2000.

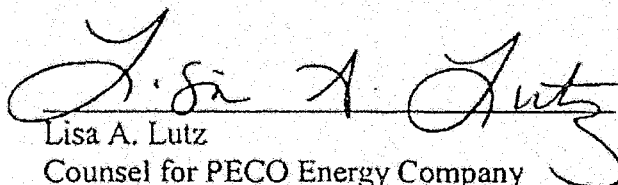
**DOCKETED**  
APR 26 2006

A decision of the Bureau of Consumer Services ("BCS") was issued on or about January 23, 2006. The BCS decision directed Customers, LisaAnn/Stephen Herbst, to pay \$839.25 by February 15, 2006 and beginning March, 2006, Customers were directed to pay the current budget bill of \$340.00, plus an additional \$460.00 toward the arrearage per month. The BCS decision found PECO Energy within its rights to transfer the unpaid prior account balance to the Customers' active account. The Complainant has not complied with this decision. A copy of the BCS decision is attached as Exhibit A.

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,



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

APR 2 2006  
PUBLIC UTILITY COMMISSION

BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION

LISA HERBST

v.

PECO ENERGY COMPANY

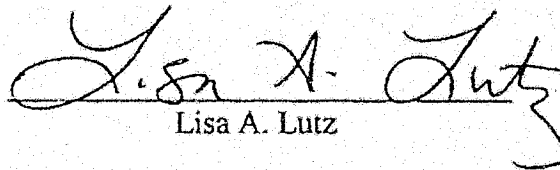
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DOCKET NO. C-20066058

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: April 21, 2006

  
Lisa A. Lutz

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

Case Number: 2021996  
Customer Name: LISAANN/STEPHEN HERBST  
Address: 250 WASHINGTON ST  
ROYERSFORD PA 19468-0

Opened On: 12/28/05  
Utility Type: Electric Distributor  
Account Number: 400907113064  
Company Name: PECO Energy

Prior Case: Total Balance: \$12,354.82 Balance Date:

Compliance Violation(Alleged, Actual, No): NO Chap 56/64/Other: Section/Rule:

Decision Issued: N Oral Written:   
Investigator: FISHER, VALERIE PUC Decision Issued Dt: PUC Case Closed Dt: 1/23/06  
Decision Recvd Dt: 1/23/06 09:25AM

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:

DUE TO SEVERAL PRIOR UNKEPT PUC ARRANGEMENTS, THE PUC IS NOT AUTHORIZED TO ISSUE TERMS ON THE BAL. PER THE CO THE CUST MUST PAY 839.25 BY 2/15/06 THEN BEG IN MARCH 2006, PAY THE CURRENT BB OF 340.00 PLUS 460.00 TOWARD THE ARREARS BY THE DD EA MO UNTIL THE BAL IS PAID IN FULL. THE BB IS SUBJECT TO CHANGE/NLPCTHE CO DID FINAL BILL THIS CUST PRIOR ACCT IN JUNE 2000 AS REQUESTED BY THE CUST. THE CO IS WITHIN THEIR RIGHT TO TRANSFER THE UNPAID PRIOR ACCT BAL TO THIS CUST ACTIVE ACCT

*Exhibit A.*

BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION

LISA HERBST

v.

PECO ENERGY COMPANY

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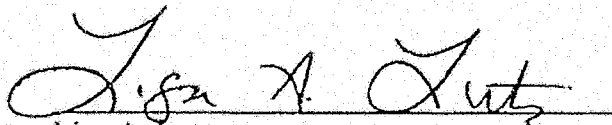
DOCKET NO. C-20066058

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:

LISA HERBST  
250 Washington St.  
Royersford, PA 19468

Dated at Philadelphia, Pennsylvania, April 21, 2006.



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



COMMONWEALTH OF PENNSYLVANIA  
PENNSYLVANIA PUBLIC UTILITY COMMISSION  
Office of Administrative Law Judge  
P.O. BOX 3265, HARRISBURG, PA 17105-3265  
May 19, 2006

IN REPLY PLEASE  
REFER TO OUR FILE

In Re: C-20066058

(See attached list)

Lisa Herbst v. PECO Energy Company

Requests payment arrangements.

Hearing Notice

This is to inform you that your case is scheduled for hearing at 1:30 p.m. in Hearing Room 2 in the Philadelphia State Office Building. Your case is one of several cases that have been scheduled at this time in Hearing Room 2. You must be available in the hearing room when your case is called by the presiding Administrative Law Judge. You should arrive at the Hearing Room no later than 1:15 p.m. and wait in the Hearing Room until the presiding Administrative Law Judge calls your case. Your case might not be the first one to be called and you should be prepared to stay in the hearing room all afternoon, if necessary. If you are not present and prepared to go forward with your case when it is called, your case will be dismissed by the Administrative Law Judge.

Type: Initial Hearing  
Date: Tuesday, June 27, 2006  
Time: 1:30 p.m.  
Location: Hearing Room 2  
State Office Building  
Broad & Spring Garden Streets  
Philadelphia, PA

BTL

Presiding: Administrative Law Judge Ky Van Nguyen  
1302 Philadelphia State Office Building  
1400 West Spring Garden Street  
Philadelphia, PA 19130  
Telephone: 215.560.2105  
Fax: 215.560.3133

Attention: You must be available in the hearing room when your case is called by the presiding Administrative Law Judge. If you are not present and prepared to go forward with your case when it is called, your case will be dismissed by the Administrative Law Judge.

If you intend to file exhibits, bring 4 copies with you to the hearing.

Individuals may represent themselves or be represented by an attorney. Individuals representing themselves do not need to be represented by an attorney. If you have an attorney representing you, your attorney should file a Notice of Appearance before the scheduled hearing date.

If you are a person with a disability, and you wish to attend the hearing, we may be able to make arrangements for your special needs. Please call the scheduling office at the Public Utility Commission:

- Scheduling Office: (717) 787-1399.
- AT&T Relay Service number for persons who are deaf or hearing-impaired: 1-800-654-5988.

pc: Judge Nguyen  
Susan Licon  
Beth Plantz  
Docket Section  
Calendar File

#502239 09/04

#502239 03/05