

CAPTION SHEET

CASE MANAGEMENT SYSTEM

1. REPORT DATE: 00/00/00  
 2. BUREAU: ALJ  
 3. SECTION(S):  
 5. APPROVED BY:  
 DIRECTOR:  
 SUPERVISOR:  
 6. PERSON IN CHARGE:  
 8. DOCKET NO: Z-01649271

4. PUBLIC MEETING DATE:  
 00/00/00  
 7. DATE FILED: 05/21/04  
 9. EFFECTIVE DATE: 00/00/00

PARTY/COMPLAINANT: SMITH, EMMA

RESPONDENT/APPLICANT: PECO ENERGY COMPANY

COMP/APP COUNTY: MONTGOMERY

UTILITY CODE: 110550

ALLEGATION OR SUBJECT

COMPLAINANT STATES SHE CANNOT AFFORD \$800.00/MO. WOULD LIKE TO BE ON A PAYMENT PLAN. ALSO STATES SHE CAN PAY HER MONTHLY BILL PLUS \$100.00

DOCUMENT  
FILED

**DOCKETED**

JUN 15 2004

ORIGINAL

2-01649271

ST1649271

110580

5/27/04

FORMAL COMPLAINT FORM

Pennsylvania Public Utility Commission

Please Print:

1. Your Name, Mailing Address and Telephone Number.

Name Emma Smith

Street/P.O. Box 522 Astor St. Apt.# \_\_\_\_\_

City Norristown State PA Zip 19401

County Montgomery Home Telephone-Area Code (610) 239 0769

Work Telephone-Area Code (610) 408 2208

SECRETARY BUREAU

2004 MAY 21 PM 5:53

2. Name of Company your complaint concerns:

Peco Energy

3. What is your complaint?

I agree I owe 800.00. I asked  
them for a payment plan. they say  
I cannot have one. how else can I  
afford to pay it down? I need my  
electricity to stay on. I have a  
young child at home she is sick.

(If you need more space, use additional paper and attach to this form).

(-over-)

13

4. What do you want the Public Utility Commission to do about your complaint?

help me to convince PECO to  
give me a payment plan over the  
next 6 months. I will pay an  
extra \$100.00 on my monthly Bill.

(If you need more space, use additional paper and attach to this form.)

5. You must sign and date your complaint below.

The information I have placed on this form is true and correct to the best of my knowledge. I understand that I could be punished under Pennsylvania State Law if I purposely give false information.

Gemma E. Smith  
Original Signature of complaining person

5/19/04  
Date

6. If you are represented by a lawyer you must provide your lawyer's name, address and telephone number.

Lawyer's Name \_\_\_\_\_

Street \_\_\_\_\_

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

Telephone Number-Area Code ( \_\_\_\_\_ ) \_\_\_\_\_

**NOTIFICATION OF INTENT TO APPEAL**  
(Request for Formal Complaint Forms)

Notice to Customer:

If you sign and return this form, you are notifying the Public Utility Commission that you intend to appeal this informal complaint decision. Do not return this form unless you want to appeal this decision.

If you want to appeal this decision, you must return this Notification of Intent to Appeal form within 20 days of 4/30/2004. The Commission will send you formal complaint forms.

You must comply with the terms of this decision until the Public Utility Commission completes the formal complaint process. You must make all of the required payments or the utility company may pursue the termination of your service.

Thank You  
Pennsylvania Public Utility Commission

**Yes, I want to appeal the decision of the Bureau of Consumer Services. Please send formal complaint forms to me at the following address:**

Customer name and address:  
(Please correct any mistakes.)

EMMA E SMITH  
522 ASTOR ST  
NORRISTOWN PA 19401

610 239-0769  
(Area Code) Telephone Number

Emma E. Smith  
Signature

Mail this completed form to:

Secretary  
Pennsylvania Public Utility Commission  
P. O. Box 3265  
Harrisburg, PA 17105-3265

ST Number:	1649271	Date of mailing:	4/30/2004
Company:	PECO ENERGY		

SECRETARY'S BUREAU  
2704 MAY -6 PM 09:44  
23



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

5/27/04

IN REPLY PLEASE  
REFER TO OUR FILE

May 7, 2004

ST1649271

EMMA E SMITH  
522 ASTOR STREET  
NORRISTOWN PA 19401

Dear Sir/Madam:

We have received your request to appeal the decision of the Bureau of Consumer Services.

We have enclosed one complaint form for you to complete. Please read carefully the instructions to help you complete the form.

**\*\* Please make sure you sign the form. We must receive your original signature in order for us to process your complaint. Your form will be returned to you if an original signature is not received.**

Return the form to us on or before May 27, 2004 to the address listed below:

James J. McNulty, Secretary  
Pennsylvania Public Utility Commission  
P.O. Box 3265  
Harrisburg, PA 17105-3265

**While you wait for us to reach a decision on your complaint, you must pay all undisputed bills (ones that are not a part of your complaint). As long as you pay all undisputed bills and return these formal complaint forms to us on time, the company is not permitted to terminate your service.**

**Commission Procedures for Formal Complaints**

- We send a copy of this letter to the company so they know you are appealing the Bureau of Consumer Services' decision;
- We also send the company a copy of your completed formal complaint forms. Once they receive it, they have 20 days to send us an answer to your complaint. The company will send you a copy of their answer.
- Once we receive all the paperwork, we usually will schedule your hearing before an Administrative Law Judge.

- We will notify both you and the company by mail when the hearing date is set.
- If you cannot travel to your hearing, you can request that the hearing be held by phone. This is called a telephonic hearing. If we can, we will schedule a telephonic hearing for you.
- We will most likely schedule your hearing sometime within three months after you file your complaint forms. If you know of certain dates when you will not be available for a hearing, let us know when you file your forms. We will try to work around your schedule.
- If you cannot attend the hearing on the scheduled date, you must request a different time or date. You should request the change at least 5 days before your hearing by writing to:

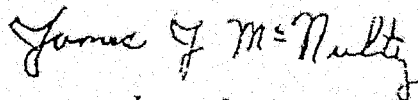
Office of Administrative Law Judge  
Public Utility Commission  
P.O. Box 3265  
Harrisburg, PA 17105-3265

**YOU SHOULD INCLUDE YOUR DAYTIME TELEPHONE NUMBER IN YOUR LETTER. DEPENDING ON YOUR REASON FOR NOT BEING ABLE TO ATTEND THE SCHEDULED HEARING, YOUR REQUEST TO CHANGE THE HEARING MAY OR MAY NOT BE APPROVED. WE WILL LET YOU KNOW OUR DECISION ON YOUR REQUEST FOR CHANGING THE HEARING DATE BEFORE THE DATE OF THE HEARING.**

**YOU MUST ATTEND SCHEDULED HEARINGS IN PERSON OR BY PHONE. IF YOU DO NOT ATTEND, YOUR COMPLAINT MAY BE DISMISSED (THROWN OUT).**

If you have any questions about the complaint process, please call the Bureau of Consumer Services, toll free, at 1-800-782-1110.

Very truly yours,



James J. McNulty  
Secretary

ddi

CC: PECO ENERGY

BEFORE THE PENNSYLVANIA PUBLIC UTILITY COMMISSION

DATE SERVED: 06/15/04

Emma Smith

Complainant

VS.

PECO ENERGY COMPANY

Respondent

COMPLAINT  
Complaint Docket  
No: Z 01649271

**DOCKETED**  
JUN 15 2004

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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,

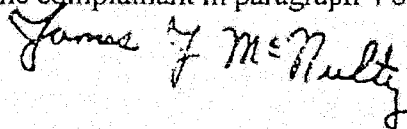
1. You have twenty (20) days from the date on which this complaint is served to either satisfy this complaint or to file with the Secretary of the Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, an answer (original and three copies), in writing, under oath, which, as 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: 06/15/04

Z-01649271

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

DOCUMENT  
JUN 15 2004

Dear Sir/Madam:

A complaint has been filed against you before the Pennsylvania Public Utility Commission by Emma Smith. 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.

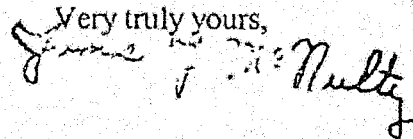
06/15/04

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,

A handwritten signature in cursive script that reads "James J. McNulty". The signature is written in dark ink and is positioned to the right of the typed name.

James J. McNulty  
Secretary

es

ORIGINAL

Exelon<sup>SM</sup>

Legal Department

Telephone: 215.841.5504  
www.exeloncorp.com

Business Services  
Company

Exelon Business Services Company  
2301 Market Street  
PO Box 8699  
Philadelphia, PA 19101

Direct Dial: 215.841.5974  
Fax: 215.568.3389  
June 30, 2004

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

RECEIVED

JUN 29 2004

Re: Emma Smith v. PECO Energy Company  
Docket No. Z-01649271

PA PUBLIC UTILITY COMMISSION  
SECRETARY'S BUREAU

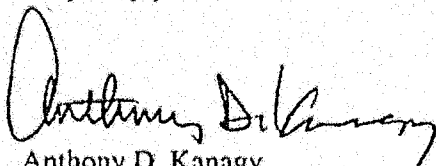
Dear Mr. McNulty:

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

- X   Answer (original and 3 copies)
- Answer and Motion (original and 3 copies)
- Petition (original and 3 copies)
- Answer and New Matter (original and 3 copies)
- Amended Motion (original and 3 copies)
- Exceptions (original and 9 copies)
- Reply Exceptions (original and 9 copies)
- Motion (original and 9 copies)
- Reply Motion (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,

  
Anthony D. Kanagy  
Counsel for PECO Energy Company

DOCUMENT  
FOLDER

Enclosures  
cc: All Parties

RECEIVED

JUN 29 2004

PA PUBLIC UTILITY COMMISSION  
SECRETARY'S BUREAU

BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION

EMMA SMITH

v.

PECO ENERGY COMPANY

:  
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DOCKET NO. Z-01649271

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. Denied. PECO Energy specifically denies that Complainant is unable to pay

Complainant's gas and electric bill and strict proof thereof is hereby demanded at time of hearing. By way of further response, PECO Energy avers that Complainant's current outstanding balance is \$330.39. The Complainant's average monthly bill is currently \$171.00 and Complainant's calculated budget payment is currently \$196.00. The Complainant is enrolled in the CAP Rate Program and receives a 25% discount on the first 500 kilowatts of electric service and approximately a 40% discount on gas service.

A decision of the Bureau of Consumer Services ("BCS") issued on or about April 30, 2004 required the Complainant to pay \$1,000.00 by May 21, 2004 and then to pay a \$201.00 budget payment plus \$15.00 per month toward the arrears beginning June 2004. The Complainant has not complied with the BCS decision. A copy of the BCS decision is attached as Exhibit A.

**DOCKETED**  
JUL 07 2004

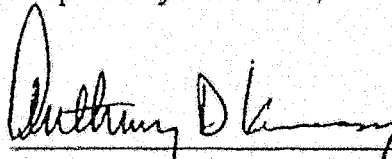
DOCUMENT  
FOLDER

PECO Energy is without sufficient knowledge to either confirm or deny the remaining statements of this Complainant. Therefore PECO Energy denies all such averments.

4. This paragraph is a request for relief and no answer is required.

**WHEREFORE**, PECO Energy Company respectfully requests that your Honorable Commission dismiss the instant Complaint or remove the automatic stay on the payment arrangement set forth under the Bureau of Consumer Services decision and authorize PECO Energy Company to terminate service if said payment is not made. 56 Pa. Code § 56.174(c); Charles Stammel v. PG Energy, a Division of Southern Union Company, Docket No. C-20027994 (Order Entered May 21, 2003). PECO Energy further requests that your Honorable Commission enter an Interim Order directing payment of current undisputed consumption charges in addition to charges set forth in the Bureau of Consumer Services decision while the hearing in this matter is pending and reminding Complainant that PECO Energy Company is authorized to terminate service if Complainant fails to pay according to said Interim Order pursuant to Sections 56.174(3) and 56.81(1) of the Public Utility Code. Charles Stammel, Docket No. C-20027994 (Order Entered May 21, 2003).

Respectfully Submitted,



---

Anthony D. Kanagy  
Counsel for PECO Energy Company  
2301 Market Street, S23-1  
P.O. Box 8699  
Philadelphia, PA 19101-8699  
Direct Dial: 215.841.5974  
Fax: 215.568.3389  
anthony.kanagy@exeloncorp.com

BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION

EMMA SMITH

v.

PECO ENERGY COMPANY

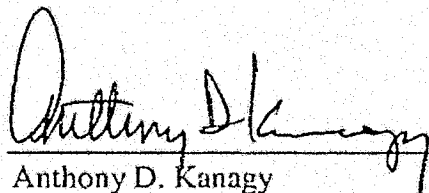
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DOCKET NO. Z-01649271

VERIFICATION

I, Anthony D. Kanagy, 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: June 30, 2004

  
\_\_\_\_\_  
Anthony D. Kanagy

Date: 6/28/04

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

Case Number: 1649271  
Customer Name: EMMA E SMITH  
Address: 522 ASTOR ST  
NORRISTOWN PA 19401-C

Opened On: 4/26/04  
Utility Type: Electric Distributor  
Account Number: 401905868535  
Company Name: PECO Energy

Prior Case: Total Balance: \$1,027.77 Balance Date: 4/28/04

Compliance

Violation(Alleged, Actual, No): NO

Chap 56/64/Other:

Section/Rule:

Decision Issued: Y

Oral Written: W

Investigator: KWIATKOWSKI, JOSHUA

PUC Decision Issued Dt: 4/30/04

PUC Case Closed Dt: 4/28/04

Decision Recvd Dt: 4/28/04 05:25PM

Letter Description: CAP PARTIAL CATCH-UP

To Restore Service Pay: \$0.00

To Continue Service Pay: \$1,000.00 By: 5/21/04

Terms: JUNE DUE DATE

Special Budget Amount: \$216.00

Regular Budget Amount: \$201.00 Plus Arrears Payment: \$15.00

Final Bill Monthly Payment: \$0.00

Current Bill Monthly Payment: \$0.00

End Of Month Payment: \$0.00

Par Description:

YOU ARE ADVISED TO CONTACT THE DEPARTMENT OF PUBLIC WELFARE AND OTHER AVAILABLE SOCIAL AGENCIES FOR FINANCIAL ENERGY ASSISTANCE

Resolution:

SEE CS17 FOR TERMS OF PAR. WAIVE.

*Exhibit "A"*

BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION

EMMA SMITH

v.

PECO ENERGY COMPANY

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:

DOCKET NO. Z-01649271

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:

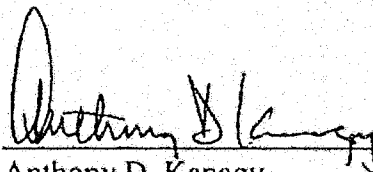
Emma Smith  
522 Astor St.  
Norristown, PA 19401

Dated at Philadelphia, Pennsylvania, June 30, 2004

RECEIVED

JUN 29 2004

PA PUBLIC UTILITY COMMISSION  
SECRETARY'S BUREAU



Anthony D. Kanagy  
Counsel for PECO Energy Company  
2301 Market Street, S23-1  
P.O. Box 8699  
Philadelphia, PA 19101-8699  
Direct Dial: 215.841.5974  
Fax: 215.568.3389  
anthony.kanagy@exeloncorp.com