

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: 04/03/06 |
| 8. DOCKET NO: C-20066066 | : | 9. EFFECTIVE DATE: 00/00/00 |

PARTY/COMPLAINANT: BROWN, DAVID

RESPONDENT/APPLICANT: PECO ENERGY COMPANY

COMP/APP COUNTY: CHESTER

UTILITY CODE: 110550

ALLEGATION OR SUBJECT

COMPLAINANT STATES THERE ARE INCORRECT CHARGES ON HIS BILL AND HE RECEIVED NOTICE THAT HIS UTILITY SERVICE IS BEING TERMINATED. HE WANTS THE SECURITY DEPOSIT RETURNED TO HIM PLUS INTEREST.

DOCUMENT
FOLDER

DOCKETED

APR - 4 2006

PENNSYLVANIA PUBLIC UTILITY COMMISSION

RECEIVED

2006 APR 23 AM 11:17

PA P.U.C. SECRETARY'S OFFICE

110550

Formal Complaint Form

Please print or type.

C-2006060606

1. CUSTOMER NAME (COMPLAINANT)

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

Name DAVID BROWN

Street/P.O. Box 1-RAMBLING LANE Apt #

City MALVERN State PA Zip 19355

County CHESTER

Area Code/HOME Phone 610-647-7854

Area Code/WORK Phone

X Utility Account Number (from your bill) 35-07-42-904526
PECO

ORIGINAL

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 N/A

City State Zip

2. UTILITY NAME (RESPONDENT)

Name of utility company your complaint concerns: PECO PAHL ELEC.

REFUSED TO REFUND DEPOSIT

AND LINES ALWAYS BUSY

14

3. TYPE OF UTILITY (check one)

ELECTRIC

STEAM HEAT

GAS

WASTE WATER

WATER

MOTOR CARRIER
(taxi, moving company, limousine)

TELEPHONE
(local, long distance)

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. } I WANT MY SECURITY DEPOSIT
(explain) } RETURNED + PLUS INTEREST
APPLIED TO ACCT.

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.

I WANT SECURITY DEPOSIT RETURNED

@ \$ 230. + INTEREST 1 1/4 MO. SAME AS PECO

70. + CHARGES CUSTOMERS
2-YEAR +

\$ 300.00 CREDIT DUE.

IF PECO CAN PAY \$ 16,000,000 TO FUND

THEY CAN REFUND MN₅ DEPOSIT. CUSTOMER
SINCE 1974.

5. RELIEF

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

REFUND SECURITY DEPOSIT PLUS INTEREST

FORMAL HEARING IF NECESSARY. PRICES

JUST TOO HIGH TO BE HOLDING THIS

DEPOSIT. CUSTOMER SINCE 1974.

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: I DAVID D BROWN, 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).

David D. Brown (Signature) 03/25/2006 (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 N/A _____
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 nd Floor Harrisburg, Pennsylvania 17120 |
|---|--|

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: April 4, 2006

DAVID BROWN
Complainant

v.

PECO ENERGY COMPANY
Respondent

Complaint Docket
No: C-20066066

DOCUMENT
FOLDER

DOCKETED

APR - 4 2006

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

IN REPLY PLEASE
REFER TO OUR FILE

DATE SERVED: April 4, 2006

C-20066066

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

DOCUMENT
FOLDER

Dear Mr. Smith:

A complaint has been filed against you before the Pennsylvania Public Utility Commission by DAVID BROWN. 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.

April 4, 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

ane

ORIGINAL Business Services Company

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. 215.841.6841

April 25, 2006

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

DOCUMENT FOLDER

Re: David Brown v. PECO Energy Company
PUC Docket No. C-20066066

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

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APR 25 2006

PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

LAL:zr

Enc.

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

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

ORIGINAL

DAVID BROWN

v.

PECO ENERGY COMPANY

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DOCKET NO. C-20066066

ANSWER OF RESPONDENT
PECO ENERGY COMPANY

DOCUMENT
FOLDER

PECO Energy Company ("PECO Energy"), pursuant to 52 Pa. Code § 5.61, responds to the Complaint and states:

1. Admitted.
2. Admitted.
3. Admitted.
4. Admitted in part and denied in part. PECO Energy admits that Complainant was

charged a security deposit due to the account delinquency. PECO Energy denies that the security deposit was improper. PECO Energy avers that the security deposit is permitted pursuant to 52 Pa. Code § 56.41.

By way of further answer, on May 13, 2004, Complainant was billed a deposit of \$146.00 in three installments. The first installment of \$73.00 was billed to the account on May 13, 2004; the second and third installments of \$36.50 each were billed on June 14, 2004 and on July 14, 2004.

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MAY 03 2006

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APR 25 2006

PA PUBLIC UTILITY COMMISSION
REGULATORY BUREAU

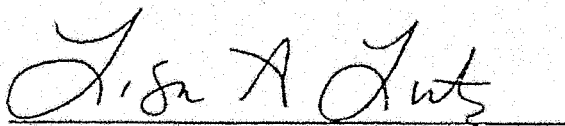
Complainant's payment history includes missed and/or late payments.

Complainant's current account balance is \$374.83. The Complainant's average bill is currently \$84.00 per month.

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 Complainants 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
Direct Dial: 215.841.6841;
Fax: 215.568.3389
Lisa.Lutz@exeloncorp.com

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

DAVID BROWN

v.

PECO ENERGY COMPANY

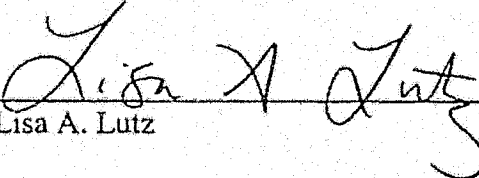
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DOCKET NO. C-20066066

VERIFICATION

I, Lisa A. Lutz, 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: April 25, 2006


Lisa A. Lutz

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

DAVID BROWN

v.

PECO ENERGY COMPANY

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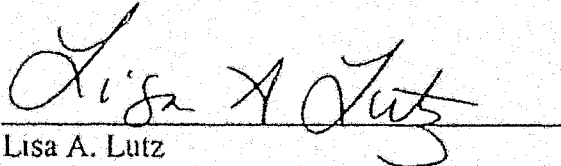
DOCKET NO. C-20066066

CERTIFICATE OF SERVICE

I, Lisa A. Lutz, 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, properly addressed and postage prepaid to:

DAVID BROWN
1 Rambling Lane
Malvern, PA 19355

Dated at Philadelphia, Pennsylvania, April 25, 2006.



Lisa A. Lutz
Counsel for PECO Energy Company
2301 Market Street, S23-1
P.O. Box 8699
Philadelphia, PA 19101-8699
Direct Dial: 215.841.6841;
Fax: 215.568.3389
Lisa.Lutz@exeloncorp.com

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APR 25 2006

PA PUBLIC UTILITY COMMISSION
630 MARKET STREET



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-20066066

(See attached list)

David Brown v. PECO Energy Company

Billing dispute.

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