

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

PLEASE DOCKET
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2006 MAR 27 AM 10:54

Thomas P. Klinger

PA P.U.C.
SECRETARY'S BUREAU

v.

PECO Energy Company

DOCKETED
APR 03 2006

F-01926862

**DOCUMENT
FOLDER**

PREHEARING ORDER

On February 28, 2006, I was assigned as the presiding officer in this case. The purpose of this order is to bring to the attention of the parties certain procedural rules that apply to the participants in this proceeding. An **Initial Hearing** in this case is scheduled for Tuesday, April 25, 2006 at 1:30 p.m. in Hearing Room 2 on the 13th floor of 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 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.

On January 30, 2006, the Complainant filed a formal complaint against PECO Energy Company ("PECO" or the Respondent) alleging the following: that he needs more time to pay his utility bill; that he cannot afford to pay \$205.00 a month; and that he is being forced to repay a student loan from almost twenty years ago. The Complainant offered to pay \$150.00 a month until he pays the outstanding balance.

On February 21, 2006, the Respondent filed an Answer. The Respondent denied that the Complainant is unable to pay his gas and electric bill. The Respondent averred that the Complainant's account balance was \$942.49. The Respondent referred to the Bureau of Consumer Services decision, dated December 13, 2005, which instructed the Complainant to pay \$205.00/month which includes a budget of \$175.00 plus \$30.00 on the outstanding balance beginning in January 2006.

The parties are hereby directed to comply with the following requirements:

1. A request for a continuance of the scheduled hearing date must state the agreement or opposition of other parties, and must be submitted in writing no later than five (5) business days prior to the hearing. 52 Pa. Code §1.15(b). Requests for a change of hearing date must be sent to me and all parties of record. The correct address is:

Administrative Law Judge Cynthia Williams Fordham
1302 Philadelphia State Office Building
1400 West Spring Garden Street
Philadelphia, PA 19130
Telephone: (215) 560-2105
Fax: (215) 560-3133

Changes are granted only in rare situations where good cause exists.

2. **The Commission's policy promotes settlements. 52 Pa. Code §5.231(a).** The utility shall contact the Complainant at least one week before the scheduled hearing to discuss a possible settlement of this case. Even if you are unable to settle this case, you may still resolve many questions or issues during your talks. If an agreement is reached, a formal hearing will not be necessary and the scheduled hearing will be cancelled.

3. The Complainant has the burden of proving that the allegations in the complaint are true. Section 332(a) of the Public Utility Code, 66 Pa. C.S. §332(a)

4. The Pennsylvania Legislature has recently enacted the Responsible Utility Customer Protection Act. 66 Pa. C.S. §1401 *et seq.* This new law provides strict guidelines as to how the Commission must handle customer complaints. The application of this law may result in the issuance of a less favorable payment arrangement than a customer's current payment arrangement.

5. If the Complainant has not made the payments that the Bureau of Consumer Services ("BCS") directed her to make, she must explain why the payments were not made.

6. The customer must make monthly payments towards his/her utility bill while the complaint is pending. **FAILURE TO MAKE PAYMENTS MAY RESULT IN AN ORDER REQUIRING A CATCH UP PAYMENT EQUAL TO THE AMOUNT OF THE PAYMENTS THAT SHOULD HAVE BEEN MADE. FAILURE TO MAKE PAYMENTS MAY RESULT IN THE UTILITY TERMINATING YOUR SERVICE.**

7. If you wish to offer documents into evidence during the hearing (i.e. letters, bills, canceled checks, receipts, account statements, etc.), you must bring four (4) copies (a copy for the presiding officer, two (2) copies for the Court Reporter and a copy for each party of record). Please keep a copy for yourself 52 Pa. Code §5.409.

8. During the hearing, the Complainant must be prepared to testify about the total gross monthly income of the household. A household includes all adults living at the service address and benefiting from the utility service. The "total gross monthly household income" includes but is not limited to the following:

- (a) income from salaries, wages, tips or other compensation;
- (b) pension, retirement or social security benefits;
- (c) Supplemental Security Income (SSI)
- (d) unemployment compensation benefits;
- (e) workers' compensation benefits;
- (f) alimony;

- (g) support,
- (h) public assistance, and
- (i) any other source(s) of income.

9. The utility must bring the following documents to the hearing:

- (a) an account statement, showing the history of the account for a minimum of 24 months or the entire history of the account, whichever is less;
- (b) a service usage comparison report for the same period as the account statement;
- (c) a copy of the most recent Bureau of Consumer Services (BCS) decision; and,
- (d) a brief summary of any payment arrangement(s) made between the utility and the customer other than determinations of the BCS or the Commission.

10. Pursuant to 52 Pa. Code §§1.21 & 1.22, you may represent yourself, if you are an individual, or you may have an attorney licensed to practice law in the Commonwealth of Pennsylvania, or admitted *Pro Hac Vice*, represent you. However, if you are a partnership, corporation, trust, association, or governmental agency or subdivision, you must have an attorney licensed to practice law in the Commonwealth of Pennsylvania, or admitted *Pro Hac Vice*, represent you in this proceeding. Unless you are an attorney, you may not represent someone else. Attorneys shall insure that their appearance is entered in accordance with the provisions of 52 Pa. Code §1.24(b).

11. If you intend to subpoena witnesses for the hearing, you should review the procedures established in 52 Pa. Code §5.421. You must submit your written application to me sufficiently in advance of the hearing date so that the other parties will have the required ten (10) days' notice to answer or object, and so that you will have enough time to receive the subpoena and serve it.

12. **THIS CASE WILL BE DISMISSED IF THE CUSTOMER FAILS TO PARTICIPATE IN THE HEARING AND PRESENT EVIDENCE IN SUPPORT OF THE COMPLAINT.**

13. This is a formal hearing and will be conducted in accordance with the Commission's Rules of Practice and Procedure.

Date: March 20, 2006

Cynthia Williams Fordham
Cynthia Williams Fordham
Administrative Law Judge

Legal Department

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

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

Direct Dial: 215-841-6841

April 24, 2006

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

ORIGINAL

Re: Thomas P. Klinger, Jr. v. PECO Energy Company
Docket Number: F-01926862

DOCUMENT FOLDER

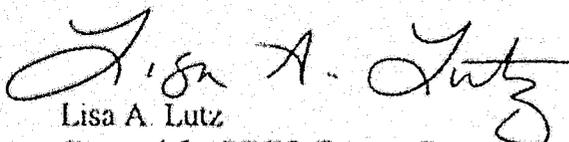
Dear Secretary McNulty:

Pursuant to 52 Pa. Code §5.24(b), PECO Energy Company certifies that the parties in the above referenced complaint have reached an accord.

By copy of this letter, I am alerting the Complainant of his right to object to the closing of this matter in writing to the Public Utility Commission within ten (10) days of the date of this letter.

If additional information is needed about this matter, please contact me at my direct-dial number above. Thank you.

Sincerely,


Lisa A. Lutz
Counsel for PECO Energy Company

DOCKETED
MAY 03 2006

cc: Mr. Thomas P. Klinger, Jr.
Administrative Law Judge Cynthia W. Fordham
Susan Licon

RECEIVED
2006 APR 27 A11 9:40
PA P.U.C.
SECRETARY'S BUREAU

OALJ Hearing Report

Please Check Those Blocks Which Apply

Docket No.:	F-01926862		YES	NO
		Prehearing Held:	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Case Name:	Thomas P. Klinger v. PECO Energy Company	Hearing Held:	<input type="checkbox"/>	<input checked="" type="checkbox"/>
		Testimony Taken:	<input type="checkbox"/>	<input checked="" type="checkbox"/>
		Transcript Due:	<input type="checkbox"/>	<input checked="" type="checkbox"/>
		Hearing Concluded:	<input type="checkbox"/>	<input type="checkbox"/>
Location:	Philadelphia, PA	Further Hearing Needed:	<input type="checkbox"/>	<input checked="" type="checkbox"/>
		Estimated Add'l Days:		
Date:	April 25, 2006			
		RECORD CLOSED:	<input type="checkbox"/>	<input type="checkbox"/>
ALJ:	Cynthia W. Fordham	DATE:		
		Briefs to be Filed:	<input type="checkbox"/>	<input type="checkbox"/>
Reporting Firm:	Sargents Court Reporting	DATE:		
		Bench Decision	<input type="checkbox"/>	<input type="checkbox"/>
		REMARKS:	<i>Hearing cancelled certificate of satisfaction filed</i>	

PLEASE PRINT CLEARLY - Incomplete Information may result in delay of processing.

Name and Telephone Number	Address	Who are you representing?
<div style="font-size: 2em; font-weight: bold; opacity: 0.5;">DOCUMENT FOLDER</div>	<small>City</small> <small>State</small> <small>Zip</small>	
	Telephone: _____	E-mail Address: _____
	<small>City</small> <small>State</small> <small>Zip</small>	
	Telephone: _____	E-mail Address: _____
	<small>City</small> <small>State</small> <small>Zip</small>	
	Telephone: _____	E-mail Address: _____

Check this box if additional parties or attendees appear on back of form.

4/27/06 e.f.2

Reporter's Signature

Note: Completion of this form does not constitute an entry of appearance, see 52 Pa. Code §§1.24 and 1.25.

COMMONWEALTH OF PENNSYLVANIA
PUBLIC UTILITY COMMISSION

DATE: April 27, 2006
SUBJECT: F-01926862 Thomas P. Klinger, Jr. v. PECO Energy Company
TO: Wanda Zeiders
Docket Management
FROM: Susan Licon, ALJ Support Staff
Office of Administrative Law Judge

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On April 24, 2006, a Certificate of Satisfaction was filed in the above-captioned proceeding. If no objection is filed to this certificate within 10 days of service, this proceeding will be closed.

All parties should be notified that the case is closed and a copy of that notification placed in the document folder.

Attachment

pc: ALJ Cynthia W. Fordham
Beth Plantz
Case File

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MAY 8 - 2006

RLP

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

Business Services
Company

Direct Dial: 215 841 6841

ORIGINAL

May 22, 2006

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

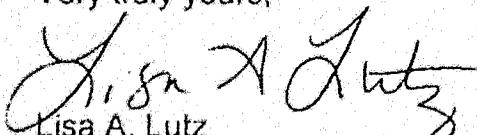
RE: **Thomas P. Klinger v. PECO Energy Company**
Pa. PUC Docket No.: F-01926862

Dear Secretary McNulty:

Enclosed is a copy of Withdrawal of Complaint signed by the Complainant in the above-referenced case. The Complainant has agreed to withdraw the complaint without prejudice. Please send me a final order or closing notice in this matter.

Thank you for your help and if you have any questions regarding this request, please call my direct dial number (215) 841-6841.

Very truly yours,


Lisa A. Lutz
Counsel for PECO Energy Company

**DOCUMENT
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LAL/zr

Enc

SECRETARY'S
BUREAU

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WITHDRAWAL OF
PENNSYLVANIA PUBLIC UTILITY COMMISSION FORMAL COMPLAINT
Thomas P. Klinger, Jr. v. PECO Energy Company
Docket Number: F-01926862

The circumstances causing the above Pennsylvania Public Utility Commission formal complaint have been resolved, and I wish to withdraw this complaint.

Thomas P. Klinger Jr.
THOMAS P. KLINGER, JR.

5-1-06

Date

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DOCKETED
JUN 01 2006

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2006 MAY 24 AM 9:31
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