

COMPLAINT

BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION

Charlene R. McVicker :  
 :  
 v. : C-20043878  
 :  
 PECO Energy Company :

PREHEARING ORDER

RECEIVED  
FEB 23 2005

On October 1, 2004, Charlene R. McVicker (McVicker, Complainant or Customer) filed this formal complaint against PECO Energy Company (PECO or Company). Although McVicker lists a number of other utilities, this complaint was docketed only against and served only on PECO. Therefore only allegations against PECO will be considered.

On November 24, 2004, the Company filed a timely Answer admitting and denying various allegations of the complaint.

On January 26, 2005, a hearing notice was issued scheduling an initial in-person hearing to be held on this case on Thursday, April 28, 2005 at 10:00 a.m. in an available hearing room in the Philadelphia State Office Building. The case has been assigned to ALJ Turner for hearing and initial decision.

The purpose of this order is to bring to the attention of all parties certain procedural rules, observance of which will serve to "secure the just, speedy and inexpensive determination" of this proceeding. 1 Pa. Code §1.2(a). The parties are directed to comply with the following requirements:

1. Proceedings before the Commission are governed by, inter alia, 52 Pa. Code §1.15, which provides:

§1.15. Extensions of time.

....

(b) Except as otherwise provided by statute, requests for continuance of hearings or for extension of time in which to perform an act required or allowed to be done at or within a specified time by this title or by order of the Commission or the presiding officer, shall be by motion in writing, timely filed with the Commission, stating the facts on which the application rests, except that during the course of a proceeding, the requests may be made by oral motion in the hearing before the Commission or the presiding officer. Only for good cause shown, will requests for continuance be considered. The requests should be submitted at least 5 days prior to the hearing date. (Emphasis added.)

In accordance with the foregoing, absent a timely request for continuance for good cause (i.e., no later than 5 days before the scheduled hearing on April 28, 2005), all parties to this proceeding shall be prepared to participate in the scheduled hearing.

2. If for any reason any party cannot appear at this initial hearing as scheduled, that party should request a continuance. **If you do not appear at the hearing, and you have not obtained a continuance, the hearing may be held without you and you may lose this case.** Continuances are only granted if good cause is presented. Any request for a change of the scheduled date for the initial hearing **must** be sent to the Office of Administrative Law Judge Scheduling Staff, to the office of the presiding officer, and to the opposing party or parties. The mailing address for the Scheduling Staff is: PA PUC, P.O. Box 3265, Harrisburg, PA 17105-3265, and the phone number is (717) 787-1399. The mailing address for the Philadelphia Administrative Law Judges is: PA PUC, Room 1302 Philadelphia State Office Building, 1400 W. Spring Garden Street, Philadelphia, PA 19130. The phone number for this office is (215) 560-2105. The presiding officer on your case is Administrative Law Judge Allison K. Turner. The ALJ is designated to grant continuances.

3. **COMPLAINANT:** Please be aware that you have the burden of proof in this proceeding, and must show by a preponderance of the evidence that respondent has violated the Public Utility Code or a regulation or order of the Commission, and that you are entitled to

the relief requested in the Complaint. If this burden is not satisfied, the Complaint must be denied as a matter of law.

4. Pursuant to 52 Pa. Code §§1.21 and 1.22, if you are an individual, you may be represented by an attorney or you may represent yourself. **If this is an adversarial proceeding and you are a partnership, corporation, trust, association or governmental agency or subdivision, you must be represented by an attorney.**

5. If you wish to offer into evidence at the hearing material in the form of documents (letters, bills, cancelled checks and the like), you must bring with you the required number of copies (an original and two copies for the Commission, one copy for every other party in the case, and a copy for yourself). 52 Pa. Code §5.409.

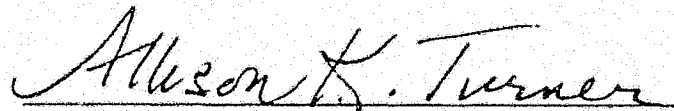
6. Please be aware that there often is a delay in my receiving documents filed in Harrisburg. Therefore, serve me directly with any documents you file in this proceeding.

7. If the parties intend to conduct discovery, please note that 52 Pa. Code §5.331(b) provides, inter alia, that “[p]articipants shall endeavor to initiate discovery as early in the proceedings as reasonably possible,” and 52 Pa. Code §5.322 which encourages participants to exchange information on an informal basis. I urge all parties to cooperate in discovery. Such cooperation is preferable to numerous or protracted discovery disagreements which require the presiding officer’s participation for resolution. Please be aware that there are limitations on discovery and sanctions for abuse of the discovery process. 52 Pa. Code §§5.361, 5.371-3.572.

8. Commission policy is to encourage settlements. 52 Pa. Code §5.231(a). Therefore, the parties are urged to **discuss informally between themselves the possible settlement of this case at least one week before the hearing, and to notify the ALJ and or the Scheduling Office by April 21, 2005 if an agreement is reached, and the hearing is not necessary.** If you are unable to completely settle this case, you may still resolve as many questions or issues as possible during your informal discussion.

ORDER

The parties shall comply with procedural rules and regulations discussed herein.

A handwritten signature in cursive script that reads "Allison K. Turner". The signature is written in black ink and is positioned above the printed name and title.

ALLISON K. TURNER  
Administrative Law Judge

Date: February 3, 2005

# OALJ Hearing Report

Please Check Those Blocks Which Apply

Docket No.:	C-20043878		YES	NO
		Prehearing Held:	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Case Name:	Charlene R. McVicker v. PECO Energy	Hearing Held:	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Company		Testimony Taken:	<input checked="" type="checkbox"/>	<input type="checkbox"/>
		Transcript Due:	<input checked="" type="checkbox"/>	<input type="checkbox"/>
		Hearing Concluded:	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Location:	Philadelphia, PA	Further Hearing Needed:	<input checked="" type="checkbox"/>	<input type="checkbox"/>
		Estimated Add'l Days:		
Date:	April 28, 2005			
		RECORD CLOSED:	<input type="checkbox"/>	<input checked="" type="checkbox"/>
ALJ:	Allison K. Turner	DATE:		
Reporting Firm:	<del>Proclamation Reporting, Inc.</del> <i>Commonwealth Reporting</i>	Briefs to be Filed:	<input type="checkbox"/>	<input type="checkbox"/>
	<del>Court Reporting Assoc.</del>	DATE:	<i>Not yet</i>	
		Bench Decision:	<input type="checkbox"/>	<input checked="" type="checkbox"/>
		REMARKS:		

DOCUMENT FOLDER

RECEIVED

MAY - 6 2005

PA PUBLIC UTILITY COMMISSION

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

Name and Telephone Number	Address	Who are you representing?						
<i>Lisa Lutz, Esq</i>	<i>2301 Market Street</i>	<i>PECO Energy</i>						
	<table style="width: 100%; border: none;"> <tr> <td style="text-align: center; font-size: 8px;">City</td> <td style="text-align: center; font-size: 8px;">State</td> <td style="text-align: center; font-size: 8px;">Zip</td> </tr> <tr> <td><i>Philadelphia</i></td> <td><i>PA</i></td> <td><i>19101</i></td> </tr> </table>		City	State	Zip	<i>Philadelphia</i>	<i>PA</i>	<i>19101</i>
City	State	Zip						
<i>Philadelphia</i>	<i>PA</i>	<i>19101</i>						
Telephone: <i>215-541-6841</i>	E-mail Address: <i>lisa.lutz@exelanc.com</i>	Fax Number: <i>215-568-3389</i>						
<i>Charlene McVicker</i>	<i>25 W. Wildey Street</i>	<i>Charlene McVicker</i> <i>JOPAC</i>						
	<table style="width: 100%; border: none;"> <tr> <td style="text-align: center; font-size: 8px;">City</td> <td style="text-align: center; font-size: 8px;">State</td> <td style="text-align: center; font-size: 8px;">Zip</td> </tr> <tr> <td><i>Philadelphia</i></td> <td><i>PA</i></td> <td><i>19123</i></td> </tr> </table>		City	State	Zip	<i>Philadelphia</i>	<i>PA</i>	<i>19123</i>
City	State	Zip						
<i>Philadelphia</i>	<i>PA</i>	<i>19123</i>						
Telephone: <i>917-684-1289</i>	E-mail Address: <i>jopac@ace.aol.com</i>	Fax Number:						
	<table style="width: 100%; border: none;"> <tr> <td style="text-align: center; font-size: 8px;">City</td> <td style="text-align: center; font-size: 8px;">State</td> <td style="text-align: center; font-size: 8px;">Zip</td> </tr> <tr> <td></td> <td></td> <td></td> </tr> </table>	City	State	Zip				
City	State	Zip						
Telephone:	E-mail Address:	Fax Number:						

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

*elp 5/5/05*

*Ralph M. Skidmore*

Reporter's Signature

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

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

**DOCKETED**  
JUL 19 2005

Direct Dial: 215 841 6841  
May 24, 2005

VIA EXPRESS MAIL

Administrative Law Judge Allison K. Turner  
Pennsylvania Public Utility Commission  
1302 Philadelphia State Office Building  
1400 West Spring Garden Street  
Philadelphia, PA 19130

**DOCUMENT  
FOLDER**

**RECEIVED**

MAY 25 2005

Public Utility Commission  
Philadelphia Office  
Administrative Law Judge

**RE: Charlene McVicker v. PECO Energy Company**  
**Docket No. C-2003878**

Dear Judge Turner:

At the in-person hearing held on April 28, 2005 in the above matter, PECO agreed to submit additional account information regarding Mrs. McVicker's residential and commercial accounts. The following is submitted as the report on that request. PECO Energy respectfully requests this letter and enclosure be marked as PECO late-filed Exhibit 3.

1. At the hearing, Mrs. McVicker agreed to pay \$1,000.00 toward her residential account at 25 Wildey Street, Philadelphia, PA. However, no payment has been received by Mrs. McVicker, and her residential account balance is now \$2,029.97, with no payments received since August 5, 2004.
2. At the hearing, PECO Energy agreed to perform a field visit and to test the electric meter at Mrs. McVicker's residential property at 25 Wildey Street, Philadelphia, PA. This appointment was originally scheduled for May 5, 2005. When the PECO representative called ahead to confirm the visit, Mrs. McVicker cancelled the appointment since she was unavailable in the afternoon. Mrs. McVicker was requested to call PECO to reschedule the appointment. Although Mrs. McVicker called May 13<sup>th</sup> regarding the field visit, her call was transferred to a supervisor. The supervisor was unavailable at that time, and Mrs. McVicker message on the supervisor's voicemail was incomplete and the supervisor was unable to determine whether Mrs. McVicker was requesting the appointment rescheduling. Since May 13<sup>th</sup>, the supervisor has been unsuccessful in telephone attempts to Mrs. McVicker to reschedule the appointment. Several messages were left at Mrs. McVicker's answering machine with no return telephone calls from Mrs. McVicker to reschedule this visit.

JUN 20 2005

PUBLIC UTILITY COMMISSION  
PHILADELPHIA BUREAU

ALJ Allison K. Turner

May 24, 2005

Page 2

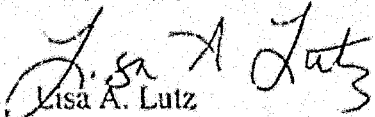
Re: Charlene R. McVicker v. PECO Energy Company

3. The account balances from the commercial accounts are noted on the attached letter, dated May 2, 2005, to Attorney Roberts. There are no changes to these terminated account balances.

PECO Energy respectfully requests the record be closed in this matter and a decision be issued based upon the evidence and testimony presented at the hearing on April 28<sup>th</sup> and subsequent requested late-filed evidence of both parties.

If you have any questions regarding this late-filed Exhibit, please feel free to contact me at 215-841-6841. Thank you.

Very truly yours,



Lisa A. Lutz

Counsel for PECO Energy Company

Enclosure

Cc: Raymond D. Roberts, Esquire – Attorney for Charlene McVicker  
Ms. Renee Tarpley

**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  
May 2, 2005

Raymond D. Roberts, Esquire  
1080 North Delaware Avenue, Suite 404  
Philadelphia, PA 19125

**RE: Charlene R. McVicker v. PECO Energy Company**  
**Docket No. C-20043878**  
**Hearing Date: Thursday, April 28, 2005**

Dear Mr. Roberts:

At the in-person hearing held on April 28, 2005 in the above matter, both parties agreed to review and follow-up on certain matters. Below is an update on these matters:

1. **Residential Account of Mrs. McVicker at 25 Wildev Street, Philadelphia, PA:**
  - (a) The name on this account has been changed by PECO, as requested by Mrs. McVicker at the hearing, to Charlene McVicker;
  - (b) PECO has confirmed that Mrs. McVicker selected the e-bill option on or about October 4, 2002; to disable e-billing, she would have to call 1-800-564-9184;
  - (c) A field visit, as requested by Mrs. McVicker, has been scheduled for May 5, 2005 to test the meter at the residential property.
  - (d) Mrs. McVicker indicated she believed there were payments made on this account that were not posted; she was requested by the Court to provide proof of any payments not noted, to review against the account statement submitted by PECO,
  - (e) The outstanding balance on this residential account is \$1,951.77; Mrs. McVicker indicated she would be making a payment in the amount of \$1,000 on this account; no payment has yet been received.
  
2. **Commercial Account – JOPAC (#24-06-31-352053):**
  - (a) This account was terminated for delinquency on March 25, 2004 with a requirement for restoration of service by paying \$578.29 plus \$250.00 reconnection plus a \$294.00 deposit (total \$1,122.29). An undesignated payment was received on March 14, 2005 in which \$275.64 was applied to

R. Roberts, Esquire

May 2, 2005

Page 2

Re: Charlene R. McVicker v. PECO Energy Company  
(C-20043878)

this delinquency account; however, the payment was insufficient to restore service. \*\*

3. Commercial Account – JOPAC (24-06-31-363622):

- (a) This account was terminated for delinquency on March 25, 2004 with a requirement for restoration of service by paying \$143.78 plus \$250.00 reconnection fee plus \$90 deposit (\$453.78). An undesignated payment was received on March 14, 2005 in which \$208.14 was applied to this delinquent account; however, payment was insufficient to restore service.  
\*\*

\*\* NOTE: PECO received a payment of \$483.78 via payment processing, the undesignated payment was applied between the two delinquent accounts.

4. Commercial Account – JOPAC (24-01-90-015026-01):

- (a) The last payment made on this account was on November 20, 2003; this account was terminated for delinquency on March 1, 2005 with a requirement for restoration of service by paying \$12,102.97 plus \$800.00 reconnection fee.

5. Commercial Account: Previous Tenant at 1800 Sedgley properties: PNC Wiring:

- (a) This account was terminated for delinquency on November 23, 2004 with a requirement for restoration of service by paying \$235.95 plus a \$60 reconnection fee plus \$94.00 deposit. Mrs. McVicker indicated she was not the ratepayer on this account; however, she requested information on past payments on this account. As indicated to Mrs. McVicker, verification is requested that she made payments to this particular account to further release information relating to the payment history on this account.

R. Roberts, Esquire

May 2, 2005

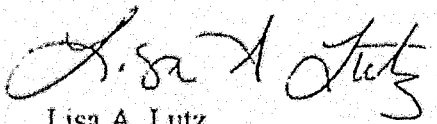
Page 3

Re: Charlene R. McVicker v. PECO Energy Company  
(C-20043878)

If you have any questions regarding this update, please feel free to contact me at 215-841-6841.

Thank you

Very truly yours,



Lisa A. Lutz

Counsel for PECO Energy Company

Cc: Administrative Law Judge Allison K. Turner  
Ms. Renee Tarpley

BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION

CHARLENE MCVICKER

v.

PECO ENERGY COMPANY

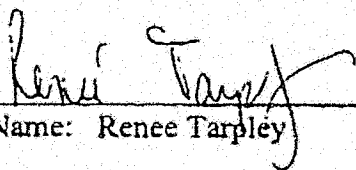
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DOCKET NO. C-20043878

AFFIDAVIT

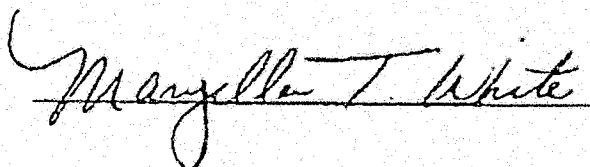
I, Renee Tarpley, (Affiant) being duly sworn according to law, depose and say that I am authorized to make this affidavit on behalf of PECO Energy Corporation, and that the facts in the attached PECO Late-Filed Exhibit 3 are true and correct to the best of my knowledge, information and belief.

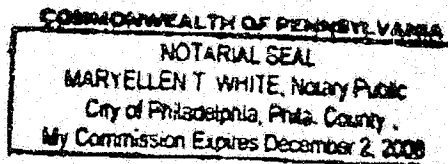
Date: May 26, 2005

  
Name: Renee Tarpley

Title: Regulatory Assessor

Sworn and subscribed before me this 26th day of May, 2005.







COMMONWEALTH OF PENNSYLVANIA  
PENNSYLVANIA PUBLIC UTILITY COMMISSION  
Office of Administrative Law Judge  
P.O. BOX 3265, HARRISBURG, PA 17105-3265  
June 8, 2005

IN REPLY PLEASE  
REFER TO OUR FILE

In Re: C-20043878

(See letter of 1-26-05)

DOCUMENT  
FOLDER

Charlene R. McVicker v. PECO Energy Company

Alleges fraud.

Hearing Notice

This is to inform you that a hearing on the above-captioned case will be held as follows:

Type: Further hearing

Date: Thursday, June 16, 2005

Time: 2:00 p.m.

Location: In an available hearing room  
Philadelphia State Office Building  
Broad and Spring Garden Streets  
Philadelphia, Pennsylvania

Presiding: Administrative Law Judge Allison K. Turner  
1302 Philadelphia State Office Building  
1400 West Spring Garden Street  
Philadelphia, PA 19130  
Telephone: (215) 560-2105  
Fax: (215) 560-3133

**DOCKETED**  
JUN 16 2005

BTL

*Attention: You may lose the case if you do not come to this hearing and present facts on the issues raised.*

If you intend to file exhibits, 2 copies of all hearing exhibits to be presented into evidence must be submitted to the reporter. An additional copy must be furnished to the Presiding Officer. A copy must also be provided to each party of record.

Individuals representing themselves do not need to be represented by an attorney. All others (corporation, partnership, association, trust or governmental agency or subdivision) must be represented by an attorney. An attorney representing you 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 Turner  
Susan Licon  
Beth Plantz  
Docket Section  
Calendar File

May 3, 2005

Judge Allison K. Turner  
Pennsylvania Public Utility Commission  
1400 Spring Garden Street  
Philadelphia, PA

RECEIVED

MAY 03 2005

Public Utility Commission  
Philadelphia Office  
Administrative Law Judge

Dear Judge Turner,

A PECO representative called me on Thursday April 28, 2005 to schedule the meter testing at 25 West Wildey Street Philadelphia, PA 19123. This will take place between 8:00am and 12:pm on Thursday May 5, 2005.

I hadn't heard from any other representative so I emailed Miss Tarpley yesterday. She didn't respond to me by 12:30pm so I called her. She informed me that PECO will not restore service to the 2 meters at Sedgley Avenue even though she testified that the bills were paid and that someone would be out on Friday April 29, 2005 to restore service. She told me that the PNC Wiring meter will definitely not be restored even though I paid the bill to PECO in full including the restoration charges. Again, this was my lease tenant that left owing me thousands of dollars.

Miss Tarpley said she was following up via email when I was speaking with her. I have not received any correspondence from Miss Tarpley.

This is becoming a very discouraging battle for me. It seems that the utilities in this city do not adhere to the commissions directives. Could you please advise me as to what needs to be done at this time to have this service restored.

Thank you,  
Mrs. Charlene McVicker

Cc: Miss Lutz  
PECO

DOCKETED  
JUL 19 2005

RECEIVED

JUN 20 2005

PA PUBLIC UTILITY COMMISSION  
REGULATORY BUREAU

DOCUMENT  
FOLDER

C-20043878  
M<sup>s</sup> Vicker J

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This message has been scanned for known viruses.

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**From:** Jopacinc

**To:** renee.tarpley@exeloncorp.com

**Cc:** GRBlatt

**Subject:** electric service JOPAC

**Date:** Mon, 02 May 2005 08:30:33 -0400

---

Dear Renee

Good Morning. A representative called me Thursday April 28, 2005 to schedule the meter review at 25 W. Wildely Street, Philadelphia, PA 19123. No one called me to schedule the restoration of the electric service at JOPAC 1800 West Sedgley Avenue Philadelphia, PA 19132. I understood at the hearing that on Friday April 29, 2005 the service was to be restored. Could you please look into this and get back to me this morning.

Thank you.

Charlene McVicker