

CAPTION SHEET

COMPLAINT 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: C-20043878
- 4. PUBLIC MEETING DATE: 00/00/00
- 7. DATE FILED: 10/01/04
- 9. EFFECTIVE DATE: 00/00/00

PARTY/COMPLAINANT: MCVICKER, CHARLENE R.

RESPONDENT/APPLICANT: PECO ENERGY COMPANY

COMP/APP COUNTY:

UTILITY CODE: 110550

ALLEGATION OR SUBJECT

COMPLAINANT STATES COMPLAINT IS ABOUT THE THEFT OF IDENTITY, THE CHANGES IN BILLING & PAYMENTS OF MISUSE BY COMPANIES. SHE WANTS THE PUC TO INVESTIGATE THE INTERNAL FRAUD, MISUSE OF COMPUTER TECHNOLOGY.

DOCUMENT  
FOLDER

**DOCKETED**  
NOV - 5 2004

ORIGINAL

Formal Complaint Form  
Pennsylvania Public Utility Commission

2004 OCT -1 5:19:30

Please Print: (you may also type your answers directly onto the form as it appears on your screen)

1. Your name, mailing address and telephone number:

①

Name Charlene R. McVicker (nee Benjamin)

Street/P.O. Box home 25 W. Wildey Street Apt # \_\_\_\_\_

City Philadelphia State PA Zip 19123

County Philadelphig Area Code/Home Phone 215 203-0737

Area Code/Work Phone 215 236-3040  
best # # cell # 917 684-1289

2. Name of company your complaint concerns: PECO / PGW / PG&D / Verizon / Adelphia / Nextel / Cingular / sprint

3. What is your complaint? (Use additional paper if need more space).  
Theft of identity. Changes in billing & payments misuse by companies (and/or persons within) of defrauding the system that was set up to benefit the people by Benjamin Franklin. Not applying or enforcing ~~all~~ payments received to be applied to correct accounts.

4. What do you want the Public Utility Commission to do about your complaint? (Use additional paper if need more space).  
Investigate internal fraud, misuse of computer technology. Start with me at 2 properties besides this one.

② 1830 6th 1844 or 1846 or 1744 or 1834 West Sedgley Ave Phila 19132

② 1332 North 9th str (901 West Thompson str) Phila. PA 19122.

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 purposefully give false information.

Charlene R. McVicker  
Signature

9/26/04  
Date

Continued on next page

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

Lawyer's Name Douglas Jenkins  
Street Locust Street  
City Philadelphia State PA Zip 19123  
Area Code/Phone Number 215-875-0104

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

For more information, please contact the Secretary's Bureau at 717-772-7777.

Also \* Please look up JOPAC, Inc.  
with the PUC & PUCA -  
\* Charles Benjamin  
PUCA  
PUCA

I am the direct descendant of the  
PUCA, & ICC & FCC Authorities.

Thank-you,

~~Charles Benjamin~~  
4

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

DATE SERVED: NOVEMBER 8, 2004

C-20043878

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

DOCUMENT  
FOLDER

Dear Sir/Madam:

A complaint has been filed against you before the Pennsylvania Public Utility Commission by CHARLENE R. MCVICKER. 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.

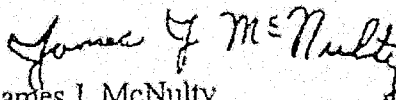
NOVEMBER 8, 2004

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,

  
James J. McNulty  
Secretary

JH

BEFORE THE PENNSYLVANIA PUBLIC UTILITY COMMISSION

DATE SERVED: NOVEMBER 8, 2004

CHARLENE R. MCVICKER

Complainant

VS.

PECO ENERGY COMPANY

Respondent

Complaint Docket

No: C-20043878

DOCUMENT  
FOLDER

FORMAL COMPLAINT NOTICE TO RESPONDENT TO ANSWER OR SATISFY

TO: PECO ENERGY COMPANY

TAKE NOTICE:

**DOCKETED**  
NOV - 5 2004

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,

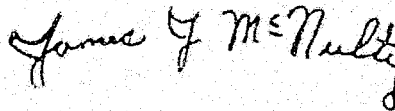
1. You have twenty (20) days from the date on which this complaint is served to either satisfy this complaint or to file with the Secretary of the Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, an answer (original and three copies), in writing, under oath, which, as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

## 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

# ORIGINAL

Direct Dial: 215 841 6841

November 24, 2004

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

NOV 24 2004

PA PUBLIC UTILITY COMMISSION  
SECRETARY'S OFFICE

**RE: Charlene R. McVicker v. PECO Energy Company**  
**Docket No. C-20043878**

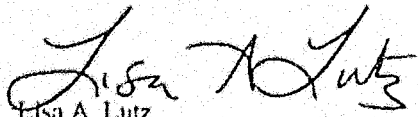
Dear Mr. McNulty:

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

<u>  X  </u>	Answer (original and 3 copies)
<u>      </u>	Petition (original and 3 copies)
<u>      </u>	Answer and Motion (original and 3 copies)
<u>      </u>	Motion/Petition (original and 3 copies)
<u>      </u>	Reply to Motion/Petition (original and 3 copies)
<u>      </u>	Exceptions (original and 9 copies)
<u>      </u>	Reply Exceptions (original and 9 copies)
<u>      </u>	Brief (original and 9 copies)
<u>      </u>	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  
Counsel for PECO Energy Company

## DOCUMENT FOLDER

LAL/zr

Enclosures

BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION

CHARLENE R. McVICKER

v.

PECO ENERGY COMPANY

DOCKET NO. C-20043878

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. PECO Energy avers it does not have any affiliation with the other companies listed by Complainant, including Philadelphia Gas Works, Verizon, Philadelphia Water Department, Adelphia, Nextel, Cingular, or Sprint; PECO is not responsive on behalf of the other companies listed by Complainant.
3. Denied. PECO Energy specifically denies that payments have not been properly credited to Complainant's account. By way of further answer, PECO Energy has no record that Complainant contacted PECO Energy to report a lost payment prior to the filing of this Complaint. Complainant's last three (3) payments on her account are as follows: \$463.33 on August 18, 2003; \$600.00 on December 4, 2003; and \$300.00 on August 4, 2004. The last payment, after being credited on August 4, 2004, resulted in a remaining account balance of \$1,057.71 at that time.

A decision of the Bureau of Consumer Services ("BCS") was issued on or about October 26, 2004 and found that: (1) Complainant failed to substantiate a claim that payments were not being applied to her account; and (2) Complainant shall pay her current bill plus an

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additional \$15.00 per month to be applied to her remaining unpaid balance until paid in full. A copy of the BCS decision is attached as Exhibit A. Complainant has failed to comply with this BCS decision. By way of further answer, PECO Energy avers that Complainant's current outstanding balance is \$1,552.84. The Complainant's average monthly bill is currently \$130.00, and Complainant's calculated budget payment is currently \$147.00. Complainant has a poor payment history. Over the past 15 months, Complainant has only made seven payments.

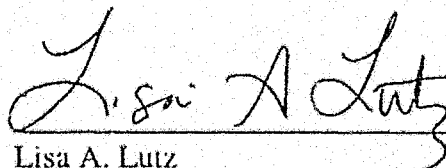
PECO Energy denies that Complainant is victim of identity theft as Complainant has failed to produce any evidence of identity theft or a police report to substantiate her claim of the alleged identity theft. Strict proof of this allegation is demanded at hearing.

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.

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](mailto:Lisa.Lutz@exeloncorp.com)

BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION

CHARLENE R. McVICKER

v.

PECO ENERGY COMPANY

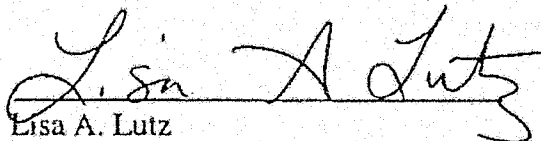
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DOCKET NO. C-20043878

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: November 24, 2004

  
Lisa A. Lutz

Date 11/22/04

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

Case Number: 1777198  
Customer Name: CHARLENE BENJAMIN  
Address: 25W. WILDEY ST  
PHILADELPHIA PA 19123-1632

Opened On: 9/22/04  
Utility Type: Electric Distributor  
Account Number: 8888888888  
Company Name: PECO Energy

Prior Case: 1777191

Total Balance: \$1,480.85

Balance Date:

Compliance

Violation(Alleged, Actual, No): NO

Chap 56/64/Other:

Section/Rule:

Decision Issued: Y

Oral Written: W

Investigator: ROSENTHAL, JANE

PUC Decision  
Issued Dt:

PUC Case 10/26/04  
Closed Dt:

Decision Recvd Dt: 10/26/04 03:25PM

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:

COMPL DISMISSED: 3 PMTS APPLIED TO ACCT SINCE 8/18/03 - DATES INCLUDED IN DECISION; CUST HAS NOT PROVIDED ANY BURDEN OF PROOF TO SUBSTANTIATE HER CLAIM THAT PMTS NOT APPLIED TO ACCT. ACCT BAL OF \$1,480.85 IS CORRECT. NO RESPONSE TO NCL. BEG W/BILL DUE 11/04 CUST MUST PAY ALL CB'S AS DUE PLUS ADD'L \$15/MO T/ARREARS UNTIL ACCT BAL PAID IN FULL. NO LPCS. ISSUED WRITTEN DEC W/APPEAL RIGHTS.

Exhibit "A"

BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION

CHARLENE R. McVICKER

v.

PECO ENERGY COMPANY

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DOCKET NO. C-20043878

CERTIFICATE OF SERVICE

NOV 24 2004

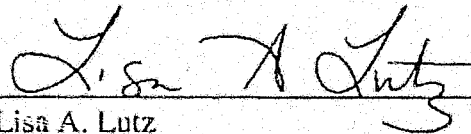
PA 10000

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:

Charlene R. McVicker  
25 W. Wildey Street  
Philadelphia, PA 19123-1632

Douglas Jenkins, Esquire  
Booth & Tucker, LLP  
230 So. Broad Street  
Second Floor  
Philadelphia, PA 19102  
(Attorney Jenkins has indicated he does not represent  
Complainant in this matter at the time of this Answer.)

Dated at Philadelphia, Pennsylvania, November 24, 2004.



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](mailto:Lisa.Lutz@exeloncorp.com)



COMMONWEALTH OF PENNSYLVANIA  
PENNSYLVANIA PUBLIC UTILITY COMMISSION  
Office of Administrative Law Judge  
P.O. BOX 3265, HARRISBURG, PA 17105-3265  
January 26, 2005

IN REPLY PLEASE  
REFER TO OUR FILE

In Re: C-20043878

(See attached list)

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: Initial hearing

Date: Thursday, April 28, 2005

Time: 10:00 a.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

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DOCKETED  
FEB 15 2005

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