

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-01437327

4. PUBLIC MEETING DATE:
 00/00/00
 7. DATE FILED: 08/20/03
 9. EFFECTIVE DATE: 00/00/00

PARTY/COMPLAINANT: GIORNO, PETER J.

RESPONDENT/APPLICANT: PECC ENERGY COMPANY

COMP/APP COUNTY: BUCKS

UTILITY CODE: 110550

ALLEGATION OR SUBJECT

COMPLAINANT STATES HE MADE PAYMENTS BEFORE THEY SHUT OFF HIS SERVICE. HE WANTS TO BE REFUNDED \$60 TURN-ON CHARGE AND COMPANY FINED IF IT BROKE ANY LAWS.

DOCUMENT
FOLDER

DOCKETED
AUG 22 2003

ORIGINAL

Z-01437307

Formal Complaint Form

Please Print.

110550

1. Your name, mailing address and telephone number:

Name Peter J. Giorno
 Street/P.O. Box 1155 North York Road ~~Apt#~~ Unit C-1
 City Hartsville State PA Zip 18974
 County BUCKS Area Code/Home Phone (215) 957-2272
 Area Code/Work Phone _____

2. Name of company your complaint concerns: PECO Energy

3. What is your complaint? (Use additional paper if need more space).

I made payments on this account, one payment of \$120 for three weeks before they shut off my service (total of \$360). I told them that I had been getting my financial affairs in order after a MVA in Oct 2002 that left me out of work until March 2003. I called to let them know and they told me to disregard the shut-off notices if payments were made.

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

I would like to be refunded the \$60 turn-on charge and the company to be fined if it is found they have broken any law. I made three \$120 payments (total \$360) weeks before they shut off my service. I called to make sure they knew I was making payments.

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.

Peter J. Giorno _____ 8/19/2003
 Signature Date

Continued on next page

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AUG 20 2003

PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

107

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 _____

Area Code/Phone Number _____

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.**

**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 8/1/2003. 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.)

PETER J GIORNO
1155 NORTH YORK ROAD
UNIT C1
HARTSVILLE PA 18974

(215) 9572272
(Area Code) Telephone Number

Peter J Giorno
Signature

Mail this completed form to:

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

ST Number:	1437327	Date of mailing:	8/1/2003
Company:	PECO ENERGY		

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REVISED 12/97

AUG 20 2003

PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

107

BEFORE THE PENNSYLVANIA PUBLIC UTILITY COMMISSION

DATE SERVED: AUGUST 25, 2003

PETER J. GIORNO

Complainant

VS.

PECO ENERGY COMPANY

Respondent

Complaint Docket

No: Z-01437327

DOCUMENT
FOLDER

DOCKETED
AUG 22 2003

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,

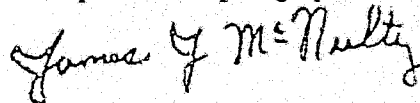
1. You have twenty (20) days from the date on which this complaint is served to either satisfy this complaint or to file with the Secretary of the Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, an answer (original and three copies), in writing, under oath, which, as 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: AUGUST 25, 2003

Z-01437327

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 PETER J. GIORNO. 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.

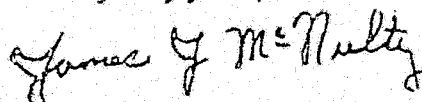
AUGUST 25, 2003

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".

James J. McNulty
Secretary

KSB

Legal Department

Exelon Business Services Company
2301 Market Street/5231
PO Box 8699
Philadelphia, PA 19101 8699

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

ORIGINAL

Direct Dial: 215 841 6841

September 17, 2003

DOCUMENT FOLDER

RECEIVED

SEP 17 2003

PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

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

RE: Peter J. Giorno v. PECO Energy Company
Docket No.: Z-01437327

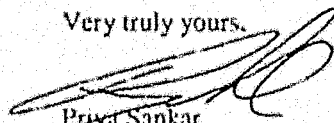
Dear Mr. McNulty:

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)
_____	Answer and Motion to Dismiss (original and 3 copies)
_____	Petition (original and 3 copies)
_____	Answer and New Matter (original and 3 copies)
_____	Motion to Dismiss (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 documents were served on the interested parties

Very truly yours,


Priya Sankar
Counsel for PECO Energy Company

RJP

PS:zr

Enclosures

ORIGINAL

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

RECORDED

SEP 17 2003

PA PUBLIC UTILITY COMMISSION
SECRETARY'S OFFICE

PETER J. GIORNO

v.

PECO ENERGY COMPANY

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DOCKET NO. Z-01437327

ANSWER OF RESPONDENT PECO ENERGY COMPANY

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

DOCUMENT
FOLDER

1. Admitted.

2. Admitted.

3. Admitted in part. Denied in part. PECO Energy admits that it received a payment on June 5, 2003 for \$120.00. PECO Energy admits that it terminated service to Complainant on July 15, 2003 for nonpayment. It is denied that PECO Energy failed to provide notice of termination. By way of further response, Complainant's service was terminated on July 15, 2003 for non-payment of \$315.69. A 10-day notice was sent on June 16, 2003 for the \$315.69 balance with an effective termination date on or after June 30, 2003. PECO Energy contacted the Complainant on June 19, 2003 to provide notice of the pending termination. On July 1, 2003, PECO Energy left a deferred notice of termination at Complainant's property. On July 7, 2003, Complainant made payment of \$120.00. Complainant's service was terminated on July 15, 2003. Complainant was required to pay the past due balance of \$196.79 and a \$60.00 reconnection fee.

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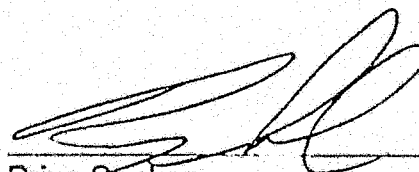
SEP 19 2003

PECO Energy is, after reasonable investigation, without knowledge or information sufficient to form a belief as to the truth of the remaining averments of this paragraph and they are therefore denied.

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,



Priya Sankar

Attorney

Counsel for PECO Energy Company

2301 Market Street

P.O. Box 8699

Philadelphia, PA 19101-8699

215-841-6841

priya.sankar@exeloncorp.com

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

PETER J. GIORNO

v.

PECO ENERGY COMPANY

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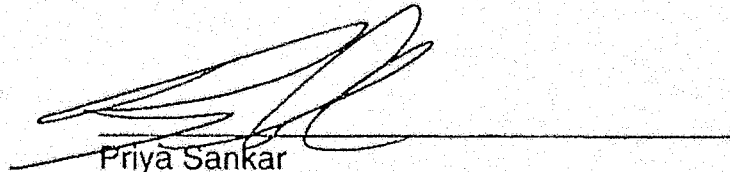
DOCKET NO. Z-01437327

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 via
First Class, properly addressed and postage prepaid to:

Peter J. Giorno
1155 North York Rd.
Unit C-1
Hartsville, PA 18974

Dated at Philadelphia, Pennsylvania, September 17, 2003.



Priya Sankar
Attorney
Counsel for PECO Energy Company
2301 Market Street
P.O. Box 8699
Philadelphia, PA 19101-8699
215-841-6841
priya.sankar@exeloncorp.com

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

PETER J. GIORNO

v.

PECO ENERGY COMPANY


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DOCKET NO. Z-01437327

VERIFICATION

I, Priya Sankar, hereby declare that I am an attorney with 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: September 17, 2003


Priya Sankar

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SEP 17 2003

PA PUBLIC UTILITY COMMISSION
SECRETARY'S OFFICE



COMMONWEALTH OF PENNSYLVANIA
PENNSYLVANIA PUBLIC UTILITY COMMISSION

Office Of Administrative Law Judge
P.O. Box 3265, Harrisburg, PA 17105-3265

IN REPLY PLEASE
REFER TO OUR FILE

December 30, 2003

DOCUMENT

In Re: Z-01437327

(See attached list)

DOCKETED

JAN 16 2004

Peter J. Giorno v. PECO Energy Company

Service dispute.

Telephone Hearing Notice

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

Type: Initial telephone hearing
Date: Wednesday, March 24, 2004
Time: 2:00 p.m.
Presiding: Administrative Law Judge Louis G. Cocheres
P.O. Box 3265
Harrisburg, PA 17105-3265
Telephone: (717) 783-5452
Fax: (717) 787-0481

If you have not provided a current telephone number where you can be reached for participation in the hearing OR YOUR AREA CODE HAS CHANGED, then you must contact the presiding officer at least 7 days before the actual hearing and provide the necessary information.

At the above date and time, the Presiding Officer will contact the parties as follows:

Peter J. Giorno	215.957.2272
Priya Sankar, Esquire	215.841.6841

If you have any hearing exhibits to which you will refer during the hearing, 3 copies must be sent to the Administrative Law Judge and 1 copy each must be sent to every other party. All copies must be received at least 3 days before the hearing.

Attention: You may lose the case if you do not take part in this hearing and present facts on the issues raised.

Except for those individuals representing themselves, the Commission's rules require that all parties have an attorney; therefore, you should have an attorney of your choice file an entry of appearance before the scheduled hearing.

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 Cocheres
Susan Licon
Beth Plantz
Docket Section
Calendar File