

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: 02/15/06
8. DOCKET NO: C-20065878	:	9. EFFECTIVE DATE: 00/00/00

PARTY/COMPLAINANT: KAPSKI, STEPHEN

RESPONDENT/APPLICANT: PECO ENERGY COMPANY

COMP/APP COUNTY: DELAWARE

UTILITY CODE: 110550

ALLEGATION OR SUBJECT

COMPLAINANT STATES THE UTILITY POLE AT THE END OF HIS DRIVEWAY IS NOT PROPERLY SECURED AND THE REPAIR WORK WAS UNACCEPTABLE. HE WANTS THE PUC TO FORCE THE COMPANY TO REPAIR THE POLE.

DOCUMENT  
FOLDER

DOCUMENT

FEB 16 2006

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Formal Complaint Form

110550

Please print or type.

C-200605878

RECEIVED  
2006 FEB 15 AM 8:57  
SECRETARY'S BUREAU

1. CUSTOMER NAME (COMPLAINANT)

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

Name STEFAN KADSKI

Street/P.O. Box 531 N. Old Middletown Rd Apt # \_\_\_\_\_

City Media State PA Zip 19063

County Del

Area Code/HOME Phone 610 656 4914

Area Code/WORK Phone 610 656 4914

Utility Account Number 50 2011 180515  
(from your bill)

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 \_\_\_\_\_  
City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_~~

2. UTILITY NAME (RESPONDENT)

Name of utility company your complaint concerns: Peco

3. TYPE OF UTILITY (check one)

ELECTRIC

STEAM HEAT

GAS

WASTE WATER

WATER

MOTOR CARRIER  
(taxi, moving company, limousine)

TELEPHONE  
(local, long distance)

SECRETARY'S BUREAU  
2006 FEB -3 AM 9:11  
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16

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. THE UTILITY POLE AT THE END OF MY DRIVEWAY IS NOT (explain) properly secured, the repair done was unacceptable.

**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.

THE UTILITY POLE IS NOT PROPERLY SECURED WITH THE SUPPORT WIRES, ONE WAS REMOVED AND ONE WAS LEFT VISIBLY HANGING LOOSE FROM THE TOP OF THE POLE, WHEN IT RAINS THE POLE LEANS AWAY FROM MY HOUSE CAUSING THE SERVICE TO SHORT OUT. I ALSO HAD A FIRE IN A TREE 2 YEARS AGO WHEN THE SERVICE PULLED AWAY FROM MY HOUSE

5. **RELIEF**

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

I WANT THE PUC TO FORCE PECO TO REPAIR THIS POLE. I HAVE BEEN REQUESTING THIS REPAIR FOR OVER A YEAR.

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 STEPHEN KAPSKI 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).

SK  
(Signature)

2/6/06  
(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 \_\_\_\_\_  
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 <sup>nd</sup> Floor Harrisburg, Pennsylvania 17120
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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.**



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

February 9, 2006

IN REPLY PLEASE  
REFER TO OUR FILE NUMBER

STEPHEN KAPSKI  
531 N. OLD MIDDLETOWN TD.  
MEDIA, PA 19063

2/24

Dear Sir/Madam:

We are returning your formal complaint form to you because there is additional information needed to process the complaint. Please follow the colored tabs marked missing information or original signature. Fill in the information requested and return them to the address listed at the top of this letter.

We are granting a 15-day extension from the date of this letter for the form to be returned.

Once we receive the formal with the information required we will be able to process your complaint. Thank you for your cooperation in this matter.

Very truly yours,

James J. McNulty  
Secretary

Enclosures

anc

BEFORE THE PENNSYLVANIA PUBLIC UTILITY COMMISSION

DATE SERVED: February 16, 2006

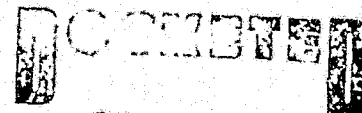
DOCUMENT  
FOLDER

STEPHEN KAPSKI  
Complainant

v.

PECO ENERGY COMPANY  
Respondent

Complaint Docket  
No: C-20065878



FEB 16 2006

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FORMAL COMPLAINT NOTICE TO RESPONDENT TO ANSWER OR SATISFY

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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: February 16, 2006

C-20065878

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 STEPHEN KAPSKI. 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.

February 16, 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

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**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

March 9, 2006

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

## DOCUMENT FOLDER

## RECEIVED

MAR 9 2006

Re: Stephen Kapski v. PECO Energy Company  
PUC Docket No. C-20065878

PA PUBLIC UTILITY COMMISSION  
SECRETARY'S BUREAU

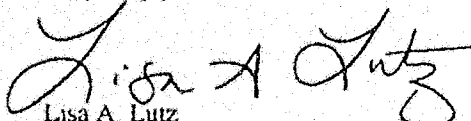
Dear Mr. McNulty:

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

- Answer (original and 3 copies)
- Petition (original and 3 copies)
- Answer and Motion (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  
Counsel for PECO Energy Company

LAL/zr

Enc

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

65

BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION

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MAR 9 2006

PA PUBLIC UTILITY COMMISSION  
SECRETARY'S BUREAU

STEPHEN KAPSKI

v.

PECO ENERGY COMPANY

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DOCKET NO. C-20065878

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.
3. Admitted.

DOCUMENT  
FOLDER

DOCKETED  
MAR 16 2006

4. Admitted in part and denied in part. PECO Energy admits that maintenance work

was requested and performed on pole number 395 near Complainant's property. PECO Energy denies the pole is not properly secured.

By way of further answer, PECO Energy avers it has and is continuing to investigate the service irregularity report (flickering). On a visit to the property on February 27, 2006, PECO's representative identified and corrected a loose terminal lug that appeared to be the source of the service flickering.

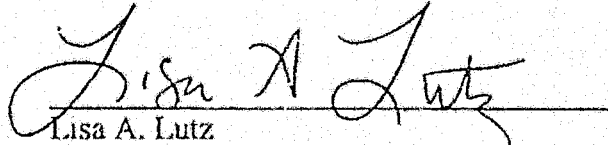
By decision of January 25, 2006, the Bureau of Consumer Services ("BCS") found that PECO Energy did straighten pole No. 395 and did not find a problem with poles numbered 393 or 394. The BCS decision is attached at Exhibit A.

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.

Respectfully Submitted,

A handwritten signature in cursive script, reading "Lisa A. Lutz", is written over a horizontal line.

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)

RECEIVED

BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION MAR 9 2006

STEPHEN KAPSKI

v.

PECO ENERGY COMPANY

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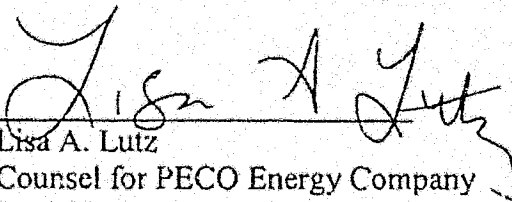
PA PUBLIC UTILITY COMMISSION  
SECRETARY'S BUREAU

DOCKET NO. C-20065878

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: March 9, 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](mailto:Lisa.Lutz@exeloncorp.com)

Date 2/28/06

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

Case Number: 2024981  
Customer Name: STEPHAN KAPSKI  
Address: 531 N MIDDLETOWN RD  
MEDIA PA 19063-0

Opened On: 1/11/06  
Utility Type: Electric Distributor  
Account Number: 502011180515  
Company Name: PECO Energy

Prior Case:  
Compliance  
Violation(Alleged, Actual, No) ALLEGED  
Decision Issued: N  
Investigator: BARBUSH, BARBARA

Total Balance: \$0.00 Balance Date:  
Chap 56/64/Other: 57 Section/Rule: 12  
Oral Written: 0  
PUC Decision Issued Dt: PUC Case Closed Dt: 1/25/06  
Decision Recvd Dt: 1/25/06 12:25PM

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:

RECEIVED

MAR 9 2006

PA PUBLIC UTILITY COMMISSION  
SECRETARY'S BUREAU

Resolution:

ALLEGE 57 12 - LENGTH OF TIME TO CORRECT STRAIGHTEN POLE #395. VERBAL CLOSE - CU DISSATISFIED W/CO REPAIR AS STATES POLE #394 IS LEANING. SENT CU FORMALS. INFORMED CU CO STRAIGHTENED POLE #395 - DID NOT FIND PROBLEM W/POLES 393 OR 394.

Exh. b.7 A

BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION

STEPHEN KAPSKI

v.

PECO ENERGY COMPANY

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DOCKET NO. C-20065878

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MAR 9 2006

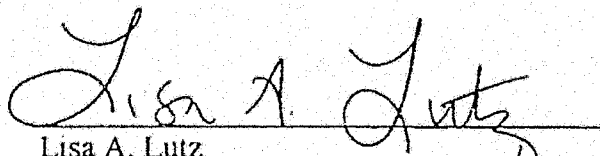
CERTIFICATE OF SERVICE

PA PUBLIC UTILITY COMMISSION  
SECRETARY'S BUREAU

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:

STEPHEN KAPSKI  
531 N. Middletown Road  
Media, PA 19063

Dated at Philadelphia, Pennsylvania, March 9, 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](mailto:Lisa.Lutz@exeloncorp.com)