

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: C-20066026
- 4. PUBLIC MEETING DATE: 00/00/00
- 7. DATE FILED: 03/17/06
- 9. EFFECTIVE DATE: 00/00/00

PARTY/COMPLAINANT: RUSH, HENRY & EDNA

RESPONDENT/APPLICANT: PECO ENERGY COMPANY

COMP/APP COUNTY: MONTGOMERY

UTILITY CODE: 110550

ALLEGATION OR SUBJECT

COMPLAINANT STATES THEY STARTED OUT WITH ACN ENERGY IN JANUARY OF 2005 AND THEN IN JULY OF 2005 THEY WERE BOUGHT OUT BY COMMERCE ENERGY, INC. AND THE RATES WERE ABOUT THE SAME OR A LITTLE LESS. THE PROBLEM IS THE COMMERCE ENERGY, INC. IS BEING BILLED THROUGH PECO ENERGY COMPANY. THEY WANT THE PUC TO INVESTIGATE THIS TO SEE IF THEY CAN GET A REFUND AND TO DO SOMETHING ABOUT THE RATES.

DOCUMENT FOLDER

DOCKETED
MAR 23 2006

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Formal Complaint Form

ORIGINAL

Please print or type.

C-20066026

Henry & Edna Rush
657 Ridge Rd
Telford PA 18969



1. CUSTOMER NAME (COMPLAINANT)

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

Name HENRY + EDNA RUSH

Street/P.O. Box 657 Ridge Rd. Apt # ---

City Telford State PA Zip 18969

County Montg

Area Code/HOME Phone 215-234-0903

Area Code/WORK Phone Can't reach at work

Utility Account Number 40-02-07-920531
(from your bill)

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: Commerce Energy thru

3. TYPE OF UTILITY (check one)

ELECTRIC

STEAM HEAT

GAS

WASTE WATER

WATER

MOTOR CARRIER

(taxi, moving company, limousine)

TELEPHONE
(local, long distance)

Rec'd
RECEIVED
APR 17 AM 9:13
P.A. PUBLIC UTILITY
SECRETARY'S BUREAU

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.
(explain)

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.

*We started out with ACN Energy in Jan. 05
and the rates were about the same or a
little less - were doing my brother-in-law a
favor by going with them.
notes attached*

5. **RELIEF**

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

*I would like you to investigate this
to see if I can get a refund and to
do something about the rates*

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 Edna Rush, 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).

Edna Rush
(Signature)

2/8/06
(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 nd Floor Harrisburg, Pennsylvania 17120
--	--

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.

Edna Rush

From: "Edna Rush" <erush@comcast.net>
To: "Edna Rush" <erush@comcast.net>
Sent: Wednesday, February 08, 2006 1:05 PM
Subject: data to send to the PUC

RECEIVED
2006 MAR 17 AM 9:19
PA PUC BUREAU
SECRETARY'S BUREAU

Peco Energy - no other carrier

① January 2005 bill for 1165 kWh was \$156.77

Peco Energy and ACN Energy

we went with ACN Energy for part of our energy as a favor to our brother-in-law ... the rates were supposed to be a little less than peco ... (attached)

② first bill Feb. 2005 on 1160 kWh was \$169.21
peco ... 85.44
acn 83.77

③ Then .. in July of 2005 ACN was bought out by Commerce Energy .. the bills started to go up (attached)
Bill on 1623 kWh was 276.18
peco 129.76
Commerce 146.42
i think that both companies overcharged us ...

④ then the last straw came when my next electric bill came ... (attached)
Bill on 1298 kWh was \$249.19
peco 95.00
commerce 154.19

i called peco 2 times asked why the bill was so high they said if we had just PECO, our bill would have been about \$75.00 less they said that commerce energy was not regulated....

i said that something must be wrong with the reading or meter for it to be that high but they did not want to hear about that asked them to come out to check things out but they said they do not do that i got nowhere ...

i then called commerce energy 2 times about how high the bill was and they gave me the same story each time ... they go by the market,,, whatever that means ...

i tried calling them 3 times today again and the calls would not go thru

thanks for whatever help you can give edna rush / henry rush

No virus found in this incoming message.

Checked by AVG Free Edition.

Version: 7.1.375 / Virus Database: 267.15.2/253 - Release Date: 2/7/2006



An Exelon Company

YOUR MONTHLY BILL

Your Account Number Is: 40-02-07-920531

Your Next Scheduled Meter Reading:
February 2, 2005

Service To: HENRY RUSH
657 RIDGE RD
TELFORD PA 18969-1445

①

If you have Any Questions or Concerns, Call PECO Energy at: 1-800-494-4000 Before the Due Date between 7 A.M. and 6 P.M. Mon - Fri, on Sat between 9 A.M. - 1 P.M.; or write P.O. Box 8699 , Phila., PA 19101.
Si tiene alguna pregunta o queja, llame al 1-800-494-4000 antes de la fecha vencida.

Billing Date: January 6, 2005

Billing For Your Energy Use:	
Balance from last bill	\$133.09
<u>Payment Dec 30 - Thank You!</u>	<u>-\$133.09</u>
Balance at Billing	\$0.00

Cost of Energy Used:

Summary of New Charges (Details on Next Page)
From December 2, 2004 to January 4, 2005

PECO Energy Charges..... 156.77

<u>New Charges</u>	<u>\$156.77</u>
<u>New Balance</u>	<u>\$156.77</u>

New charges contain estimated total state taxes of \$18.65, including \$9.24 for State Gross Receipts Tax. PECO Energy's new charges contain \$23.00 Intangible Transition Charges.

Total Amount Due January 27, 2005	\$156.77
--	-----------------

MESSAGE CENTER

PECO ENERGY - Thank you very much for paying your bill on time.

6655
1/23/05



An Exelon Company

BILLING DETAIL

Account Number: 40-02-07-920531

Billing Details

HENRY RUSH

Energy Used This Month

Meter Reading Information and New Charges

General Information

PECO ENERGY, 2301 MARKET ST. PHILADELPHIA, PA, 19101. WALK-IN BUSINESS HOURS MONDAY THROUGH FRIDAY 8:30 AM TO 5:00 PM, 1-800-494-4000, WWW.PECO.COM

Rate R Electric Residence Service

Meter# 9G 3643050

To January 4, 2005	45155	- Actual Reading
From December 2, 2004	<u>43990</u>	- Actual Reading
Kilowatt hours (kWh) billed for 33 days	01165	

PECO ENERGY Charges

Customer Charge	5.18
Generation and Transmission Charges (\$.0605 X 1165.0000 kWh)	70.49
Distribution Charges	51.61
Transition Charges	<u>29.82</u>
Total Basic Charges for 1165.0000 kWh	157.10
State Tax Adjustment	<u>- .33</u>
	New Charges \$156.77



An Exelon Company

BILLING DETAIL

Account Number: 40-02-07-920531

Billing Details

HENRY RUSH

Energy Used This Month

Meter Reading Information and New Charges

General Information

PECO ENERGY, 2301 MARKET ST. PHILADELPHIA, PA, 19101, WALK-IN BUSINESS HOURS MONDAY THROUGH FRIDAY 8:30 AM TO 5:00 PM, 1-800-494-4000, WWW.PECO.COM

ACN ENERGY, INC, 32991 HAMILTON COURT, FARMINGTON HILLS, MI, 48334, 877-226-5392, WWW.ACENERGY.COM

Rate R Electric Residence Service

Meter# 9G 3643050

To February 2, 2005	46315	- Actual Reading
From January 4, 2005	45155	- Actual Reading
Kilowatt hours (kWh) billed for 29 days	01160	

PECO ENERGY Charges

Customer Charge	5.18
Distribution Charges	51.50
Transition Charges	29.35
Total Basic Charges for 1160.0000 kWh	86.03
State Tax Adjustment	-.59

ACN ENERGY, INC Charges / 877-226-5392

COMMODITY CONSUMED - 1120 KWH TOTAL @ 6.98 CENTS/KWH	78.18
COMMODITY CONSUMED - 40 KWH TOTAL @ 7.015 CENTS/KWH	2.81
ACN MONTHLY SERVICE CHARGE	2.78
Total Basic Charges	83.77

New Charges \$169.21



An Exelon Company

YOUR MONTHLY BILL

Your Account Number Is: 40-02-07-920531

Your Next Scheduled Meter Reading:
September 2, 2005

3

Service To: HENRY RUSH
657 RIDGE RD
TELFORD PA 18969-1445

If you have Any Questions or Concerns, Call
PECO Energy at: 1-800-494-4000 Before the
Due Date between 7 A.M. and 6 P.M. Mon - Fri,
on Sat between 9 A.M. - 1 P.M.; or write P.O.
Box 8699 , Phila., PA 19101.

Si tiene alguna pregunta o queja, llame al
1-800-494-4000 antes de la fecha vencida.

Billing Date: August 5, 2005

Billing For Your Energy Use:

Balance from last bill	\$240.36
<u>Payment Jul 29 - Thank You!</u>	<u>-\$240.36</u>
Balance at Billing	\$0.00

Cost of Energy Used:

Summary of New Charges (Details on Next Page)
From July 5, 2005 to August 2, 2005

PECO Energy Charges.....	129.76
COMMERCE ENERGY, INC. Charges.....	146.42

New Charges \$276.18

New Balance \$276.18

6780
8/23/05

New charges contain estimated total state taxes of \$26.49,
including \$14.03 for State Gross Receipts Tax. PECO Energy's
new charges contain \$35.45 Intangible Transition Charges.

Total Amount Due August 30, 2005	\$276.18
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MESSAGE CENTER

PECO ENERGY - Thank you very much for paying your bill on time.



YOUR MONTHLY BILL

Your Account Number Is: 40-02-07-920531

Your Next Scheduled Meter Reading:
February 2, 2006

Service To: HENRY RUSH
657 RIDGE RD
TELFORD PA 18969-1445

4

If you have Any Questions or Concerns, Call
PECO Energy at: 1-800-494-4000 Before the
Due Date between 7 A.M. and 6 P.M. Mon - Fri,
on Sat between 9 A.M. - 1 P.M.; or write P.O.
Box 8699 , Phila., PA 19101.
Si tiene alguna pregunta o queja, llame al
1-800-494-4000 antes de la fecha vencida.

Billing Date: January 6, 2006

Billing For Your Energy Use:	
Balance from last bill	\$179.96
Payment Dec 28 - Thank You!	-\$179.96
Balance at Billing	\$0.00

Cost of Energy Used:

Summary of New Charges (Details on Next Page)
From December 2, 2005 to January 4, 2006

PECO Energy Charges	95.00
COMMERCE ENERGY, INC. Charges	154.19

*1/16/06
Zakia*

<hr/>	
New Charges	\$249.19
<hr/>	
New Balance	\$249.19

New charges contain estimated total state taxes of \$22.92,
including \$12.29 for State Gross Receipts Tax. PECO Energy's
new charges contain \$26.10 Intangible Transition Charges

Total Amount Due January 31, 2006	\$249.19
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MESSAGE CENTER

PECO ENERGY - Thank you very much for paying your bill on time.

*# 6672
1/30/06*



BILLING DETAIL

Account Number: 40-02-07-920531

Billing Details

HENRY RUSH

Energy Used This Month

Meter Reading Information and New Charges

General Information

PECO ENERGY, 2301 MARKET ST, PHILADELPHIA, PA, 19101, WALK-IN BUSINESS HOURS MONDAY THROUGH FRIDAY 8.30 AM TO 5.00 PM, 1-800-494-4000, WWW.PECO.COM

COMMERCE ENERGY, INC., 600 ANTON BLVD, COSTA MESA, CA, 92626, 8:00 A.M - 9:00 P.M. EST, 877-226-5392, WWW.COMMERCEENERGY.COM

Rate R Electric Residence Service

Meter# 9G 3643050

To January 4, 2006	59184	- Actual Reading
From December 2, 2005	<u>57886</u>	- Actual Reading
Kilowatt hours (kWh) billed for 33 days	01298	

PECO ENERGY Charges

Customer Charge	5.18
Distribution Charges	57.63
Transition Charges	<u>32.84</u>
Total Basic Charges for 1298.0000 kWh	95.65
State Tax Adjustment	-.65

COMMERCE ENERGY, INC. Charges / 877-226-5392

COMMODITY CONSUMED - 1180 KWH TOTAL @ 11.437 CENTS/KWH	134.96
COMMODITY CONSUMED - 118 KWH TOTAL @ 13.944 CENTS/KWH	16.45
MONTHLY SERVICE CHARGE	<u>2.78</u>
Total Basic Charges	154.19

New Charges \$249.19

Handwritten notes:

17¢

1/18/06

92
78.52
154.19

1/18/06
Bart

1180
118
1298

800-782-1110
PA PUC
800-782-1110
#3

BEFORE THE PENNSYLVANIA PUBLIC UTILITY COMMISSION

DATE SERVED: MARCH 24, 2006

HENRY & EDNA RUSH
Complainant

v.

PECO ENERGY COMPANY
Respondent

Complaint Docket
No: C-20066026

DOCUMENT
FOLDER
DOCKETED
MAR 27 2006

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).

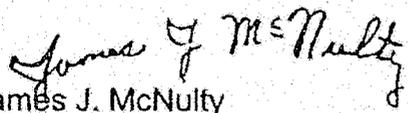
2. If you fail to either satisfy this complaint or to file answer or other responsive pleading within twenty (20) days, you will be deemed to have admitted all the allegations in this complaint in accordance with Section 5.61 of the Commission's Rules of Administrative Practice and Procedure, 52 Pa. 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

IN REPLY PLEASE
REFER TO OUR FILE

DATE SERVED: MARCH 24, 2006

C-20066026

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 HENRY & EDNA RUSH. 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.

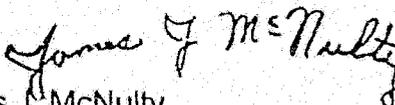
Detailed instructions on how to proceed are contained in the attached pages. You are advised to read them carefully.

MARCH 24, 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

JIH

Legal Department

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

Business Services
Company

Exelon Business Services Company
2301 Market Street/ 523-1
PO Box 8699
Philadelphia, PA 19101-8699

ORIGINAL

Direct Dial: 215 841 6841

April 13, 2006

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

RECEIVED

APR 13 2006

Re: Henry & Edna Rush v. PECO Energy Company
PUC Docket No. C-20066026

PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

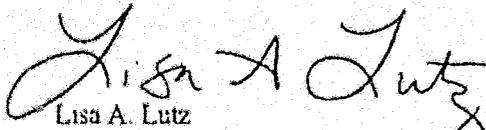
Dear Mr. McNulty:

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)
- X Answer, New Matter and Motion to Dismiss (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

DOCUMENT FOLDER

LAL/zr

Enc

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

P231197

59

RECEIVED

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

APR 13 2006

HENRY & EDNA RUSH

v.

PECO ENERGY COMPANY

:
:
:
:
:

DOCKET NO. C-20066026

PENNSYLVANIA PUBLIC UTILITY COMMISSION
HARRISBURG OFFICE

NOTICE TO PLEAD

Pursuant to 52 Pa. Code §§ 5.101(b) and 5.62(C), you are hereby notified that, if you do not file a written response denying or correcting the enclosed Motion to Dismiss of PECO Energy Company, within 10 days from service of this notice, and if you do not file a written response denying or correcting the enclosed New Matter within 20 days from service of this notice, the facts set forth by PECO Energy Company in the New Matter and Motion to Dismiss may be deemed to be true, thereby requiring no other proof. All pleadings, such as a Reply to Motion to Dismiss, must be filed with the Secretary of the Pennsylvania Public Utility Commission, with a copy served to counsel for PECO Energy Company, Lisa A. Lutz, and where applicable, the Administrative Law Judge presiding over the issue.

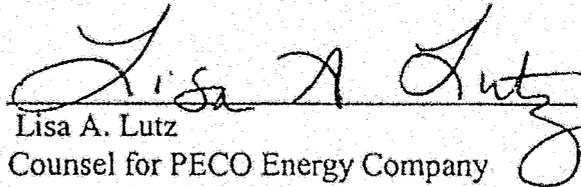
File with:

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

With a copy to:

Lisa A. Lutz, Esq.
PECO Energy Company
2301 Market Street, S-23
Philadelphia, PA 19103

Dated at Philadelphia, PA, April 13, 2006.



Lisa A. Lutz
Counsel for PECO Energy Company
2301 Market Street S-23
Philadelphia, PA 19101-8699
215-841-6841
lisa.lutz@exeloncorp.com

RECEIVED

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

APR 18 2006

PA PUBLIC UTILITY COMMISSION
SECRETARY'S OFFICE

HENRY & EDNA RUSH

v.

DOCKET NO. C-20066026

PECO ENERGY COMPANY

DOCUMENT
FOLDER

DOCKETED
APR 17 2006

PECO ENERGY COMPANY'S MOTION TO DISMISS COMPLAINT

Respondent, PECO Energy Company ("PECO"), pursuant to 52 Pa. Code § 5.101(b) respectfully petitions this Honorable Commission to dismiss the instant Complaint for the following reasons:

1. On or about February 8, 2006, Complainants filed a formal complaint with the Pennsylvania Public Utility Commission requesting certain relief and in opposition of the company's proposed rate increase.
2. On or about March 24, 2006, PECO Energy was served the above-mentioned formal Complaint.
3. PECO Energy will file its Answer to the Complaint simultaneously with this Motion to Dismiss.
4. PECO's rates have been approved by and are regulated by the Public Utility Commission and/or the Federal Energy Regulatory Commission. The charges are regulated by the Public Utility Commission ("PUC") and they are contained within PECO Energy's Electric Service Tariff, Pa. P.U.C. No. 3, ("Electric Tariff") approved by and on file with the PUC. The Tariff provisions approved by the PUC are prima facie reasonable. 66 Pa. C.S.A. § 316 (1999); See also, Kossman v. Pennsylvania Public Utility Commission, 694 A.2d 1147 (Pa. Cmwlth.

1997). Moreover, tariffs that have been approved by the PUC have the full force and effect of law and are binding on both the utility and its customers. Brockway Glass Co. v. Pennsylvania Utility Commission, 437 A.2d 1067 (Pa. Cmwlth. 1981).

5. The instant Complaint fails to set forth any violation by PECO Energy of either the Public Utility Code, the regulations of the PUC or PECO Energy's Electric Service Tariff as required by 52 Pa. Code §5.22(a)(4) and accordingly, must be dismissed. West Penn Power Co. v. Pa. Public Utility Commission, 84 Pa. Cmwlth. Ct. 157, 478 A.2d 947 (1984).

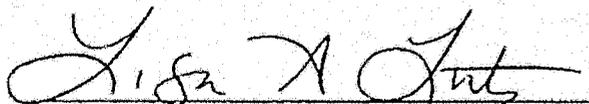
6. Complainants aver that they voluntarily chose an alternate supplier for their energy charges, i.e. ACN/Commerce Energy.

7. Complainants request certain relief regarding alleged high energy charges from the alternate supplier, ACN/Commerce Energy.

8. Complainants' complaint regarding alternate supplier charges from ACN/Commerce Energy is not properly brought against PECO Energy, and accordingly, must be dismissed against PECO Energy.

WHEREFORE, PECO Energy Company respectfully requests that your Honorable Commission dismiss the instant Complaint.

Respectfully Submitted,



Lisa A. Lutz
Counsel for PECO Energy Company
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P.O. Box 8699
Philadelphia, PA 19101-8699
(215) 841-6841
lisa.lutz@exeloncorp.com

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BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

APR 13 2006

HENRY & EDNA RUSH

v.

PECO ENERGY COMPANY

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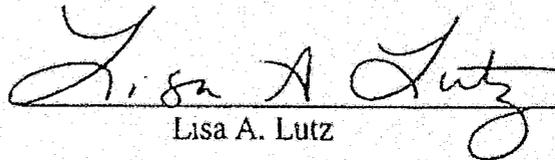
DOCKET NO. C-20066026

PA PUBLIC UTILITY COMMISSION
1200 MARKET STREET, SUITE 1200
PHILADELPHIA, PA 19102

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: April 13, 2006


Lisa A. Lutz

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BEFORE THE
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APR 13 2006

PA PUBLIC UTILITY COMMISSION
EISENHOWER BUILDING

HENRY & EDNA RUSH

v.

PECO ENERGY COMPANY

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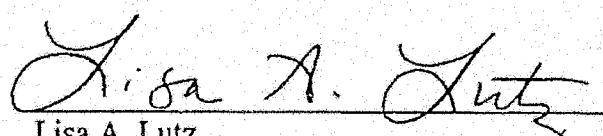
DOCKET NO. C-20066026

CERTIFICATE OF SERVICE

I hereby certify that I have this day served a copy of PECO Energy Company's Motion in the above matter upon all interested parties by mailing a copy thereof Certified mail, properly addressed and postage prepaid to:

HENRY & EDNA RUSH
657 Ridge Road
Telford, PA 18969

Dated at Philadelphia, Pennsylvania, April 13, 2006.



Lisa A. Lutz
Counsel for PECO Energy Company
2301 Market Street, S23-1
P.O. Box 8699
Philadelphia, PA 19101-8699
(215) 841-6841
lisa.lutz@exeloncorp.com

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

RECEIVED

APR 18 2006

HENRY & EDNA RUSH

PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

v.

DOCKET NO. C-20066026

PECO ENERGY COMPANY

ANSWER AND NEW MATTER 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.

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APR 17 2006

2. Admitted.

3. Admitted. PECO Energy avers it makes no response on behalf of Commerce Energy.

4. Admitted in part and denied in part. PECO Energy admits that Complainants contacted PECO Energy on January 18, 2006 about an alleged high bill. At that time, PECO Energy reviewed recent additional energy usage; upon review of Complainant's electric usage, the PECO representative explained that the billed usage was in line with the appliances/home usage. PECO Energy's records indicate Complainant, Mrs. Rush, was satisfied with the explanation. PECO Energy also admits that Complainants requested their voluntary selection to an alternate supplier be cancelled and switched back to PECO Energy. Complainants' service was transferred back to PECO Energy, as requested by Complainants, effective February 3, 2006.

PECO Energy PECO Energy denies that its electric rate increase was improper. By way of further answer, all of the PECO's rates have been approved by and are regulated by

the Public Utility Commission and/or the Federal Energy Regulatory Commission. The charges are regulated by the Public Utility Commission ("PUC"); and they are contained within PECO Energy's Electric Service Tariff approved by and on file with the PUC. The Tariff provisions approved by the PUC are prima facie reasonable. 66 Pa. C.S.A. § 316 (1999); See also, Kossman v. Pennsylvania Public Utility Commission, 694 A.2d 1147 (Pa. Cmwlth. 1997). Moreover, tariffs that have been approved by the PUC have the full force and effect of law and are binding on both the utility and its customers. Brockway Glass Co. v. Pennsylvania Utility Commission, 437 A.2d 1067 (Pa. Cmwlth. 1981).

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 to the extent that Complainants contacted PECO Energy about dissatisfaction with an alternate supplier and requested service to be transferred back to PECO Energy, effective February 3, 2006. PECO Energy provides no response as to allegations against alternate suppliers chosen by Complainants; and, therefore, those averments are denied.

NEW MATTER OF RESPONDENT,
PECO ENERGY COMPANY

PECO Energy Company ("PECO Energy"), pursuant to 52 Pa. Code § 5.62(b), further responds to the Complaint and states:

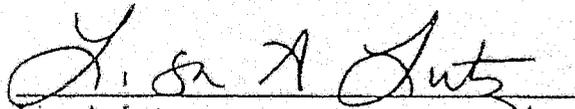
1. Complainants aver that they voluntarily chose an alternate supplier for energy, specifically ACN Energy and/or Commerce Energy.
2. Complainants allegations as to improper charges are directed to an alternate supplier, ACN Energy and/or Commerce Energy.

3. PECO Energy makes no representation on behalf of ACN Energy and/or Commerce Energy, which are separate/alternate energy suppliers/companies.

4. PECO Energy avers Complainants' allegations against improper charges by an alternate supplier, which are not charges by PECO Energy, are not properly brought against PECO Energy.

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

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lisa.lutz@exeloncorp.com

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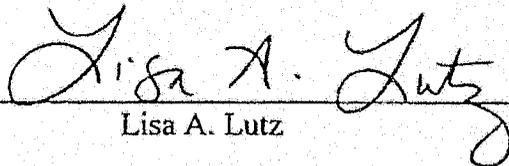
DOCKET NO. C-20066026

PA PUBLIC UTILITY COMMISSION
SECRETARY'S OFFICE

VERIFICATION

I, Lisa A. Lutz, hereby declare that I am an attorney representing PECO Energy Company; that as such I am authorized to make this verification on its behalf; that the facts set forth in the foregoing Answer and New Matter 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: April 13, 2006



Lisa A. Lutz

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BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION APR 13 2006

HENRY & EDNA RUSH

v.

PECO ENERGY COMPANY

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PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

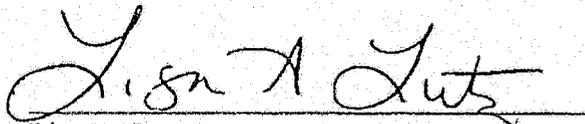
DOCKET NO. C-20066026

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 Certified mail, properly addressed and postage prepaid to:

Henry & Edna Rush
657 Ridge Avenue
Telford, PA 18969

Dated at Philadelphia, Pennsylvania, April 13, 2006.



Lisa A. Lutz
Counsel for PECO Energy Company
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(215) 841-6841
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COMMONWEALTH OF PENNSYLVANIA
PENNSYLVANIA PUBLIC UTILITY COMMISSION
Administrative Law Judge
P.O. BOX 3265, HARRISBURG, PA 17105-3265
April 20, 2006

IN REPLY PLEASE
REFER TO OUR FILE

Re: C-20066026

(SEE ATTACHED LIST)

Henry & Edna Rush v. PECO Energy Company

Rate Dispute

Motion Judge Assignment Notice

This is to inform you that a preliminary motion was filed on the above-captioned case. This motion is being assigned to Chief Administrative Law Judge Veronica A. Smith for ruling. The Commission rule of practice at 52 Pa. Code §5.101 specifies that the person who filed the complaint has ten (10) days from the date the motion was served on you to file an answer.

If you file any pleading or document relating to this motion with the Secretary of the Commission, please provide a duplicate copy to the judge.

Procedural questions or comments should be directed to the judge at:

717-783-5452

pc: SA Rumsey
Cherie Pyle, Scheduling Officer
Beth Plantz
Docket Section
Calendar File

DOCUMENT
FOLDER

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APR 25 2006