

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: 03/17/06
8. DOCKET NO: C-20066025	:	9. EFFECTIVE DATE: 00/00/00

PARTY/COMPLAINANT: RUSH, HENRY & EDNA

RESPONDENT/APPLICANT: COMMERCE ENERGY, INC.

COMP/APP COUNTY: MONTGOMERY

UTILITY CODE: 110117

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. THEY STATE THEY WERE DOING THEIR BROTHER-IN-LAW A FAVOR BY GOING WITH THEM. THEY WANT THE PUC TO INVESTIGATE INTO THIS TO SEE IF THEY CAN GET A REFUND AND TO DO SOMETHING ABOUT THE RATE.

DOCUMENT
FOLDER

DOCKETED
MAR 23 2006

ORIGINAL

Formal Complaint Form

C-20066025

Please print or type.

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
- GAS
- WATER
- TELEPHONE
(local, long distance)
- STEAM HEAT
- WASTE WATER
- MOTOR CARRIER
(taxi, moving company, limousine)

RECEIVED
FEB 17 AM 9:13
PA P.U.C.
SECRETARY'S BUREAU
Recs merged

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 9:13
 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 ...

2/15/2006

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
Payment Dec. 30 - Thank You!	-\$133.09
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

New Charges	\$156.77
New Balance	\$156.77

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

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



YOUR MONTHLY BILL

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

Your Next Scheduled Meter Reading:
March 2, 2005

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

2

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: February 4, 2005

Billing For Your Energy Use:

Balance from last bill	\$156.77
Payment Jan 25 - Thank You!	-\$156.77
Balance at Billing	\$0.00

Cost of Energy Used:

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

PECO Energy Charges	85.44
ACN ENERGY, INC Charges	83.77

New Charges	\$169.21
New Balance	\$169.21

New charges contain estimated total state taxes of \$16.49, including \$8.69 for State Gross Receipts Tax. PECO Energy's new charges contain \$22.84 Intangible Transition Charges

Total Amount Due
February 28, 2005 **\$169.21**

MESSAGE CENTER

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

#6670
2/21/05



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

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

Rate R Electric Residence Service

Meter# 9G 3643050

To February 2, 2005	46315	- Actual Reading
From January 4, 2005	<u>45155</u>	- 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
Slate 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	<u>83.77</u>
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
Payment Jul 29 - Thank You!	<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

Handwritten: # 4780, 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

MESSAGE CENTER

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



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

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 August 2, 2005	53319	- Actual Reading
From July 5, 2005	<u>51696</u>	- Actual Reading
Kilowatt hours (kWh) billed for 28 days	01623	

PECO ENERGY Charges

Customer Charge	5.18
Distribution Charges	80.03
Transition Charges	45.44
Total Basic Charges for 1623.0000 kWh	130.65
State Tax Adjustment	-0.89

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

COMMODITY CONSUMED - 1623 KWH TOTAL @ 8.85 CENTS/KWH	143.64
MONTHLY SERVICE CHARGE	2.78
Total Basic Charges	146.42

New Charges \$276.18

USE THE METER TO CHECK YOUR METER READING INFORMATION



An-Exelon Company

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
<u>Payment Dec 28 - Thank You!</u>	<u>-\$179.96</u>
Balance at Billing	\$.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.

*# 4672
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, 2005	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% —

pac. state. us

11/18/06

1180
118
1298

92
78.54
154.19

11/18/06
Bart

800-782-1110
PA PAC
800-782-1110
#3

BEFORE THE PENNSYLVANIA PUBLIC UTILITY COMMISSION

DATE SERVED: MARCH 24, 2006

HENRY & EDNA RUSH
Complainant

v.

COMMERCE ENERGY, INC.
Respondent

Complaint Docket
No: C-20066025

DOCUMENT
FOLDER

DOCKETED
MAR 23 2006

FORMAL COMPLAINT NOTICE TO RESPONDENT TO ANSWER OR SATISFY

TO: COMMERCE ENERGY, INC.

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).

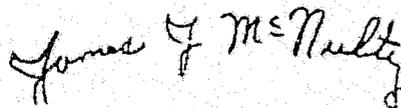
2. If you fail to either satisfy this complaint or to file answer or other responsive pleading within twenty (20) days, you will be deemed to have admitted all the allegations in this complaint in accordance with Section 5.61 of the Commission's Rules of Administrative Practice and Procedure, 52 Pa. 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-20066025

COMMERCE ENERGY, INC.
15901 RED HILL AVENUE
SUITE 100
TUFTIN CA 92780

DOCUMENT
FOLDER

Dear Sir/Madam:

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.

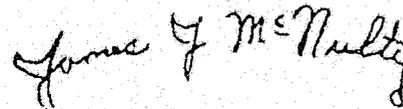
Detailed instructions on how to proceed are contained in the attached pages. You are advised to read them carefully.

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,

A handwritten signature in cursive script that reads "James J. McNulty".

James J. McNulty
Secretary

JH

April 12, 2006

Secretary, Pennsylvania
Public Utility Commission
P.O. Box 3265
Harrisburg, PA 17120

**DOCUMENT
FOLDER****RECEIVED**

APR 18 2006

**PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU**Re: Complaint Docket No: C-20066025**DOCKETED**
APR 18 2006

To Whom It May Concern:

This letter is Commerce Energy's response to a formal complaint filed with the Pennsylvania Public Utilities Commission (PAPUC), Docket Number C-20066025, by complainants Henry and Edna Rush. This complaint was served to Commerce Energy on March 24, 2006. Mr. and Mrs. Rush complaint surrounds energy charges generated by Commerce Energy for generation and transmission used from January 2005 through February 2006. Commerce Energy denies all allegations stated in Mr. and Mrs. Rush's complaint.

Commerce Energy does business as an electric generation supplier in the State of Pennsylvania through PECO Energy. Commerce Energy serves residential, small commercial, large commercial and industrial customers within PECO Energy's territory. Our customers are billed through the utility under EDC Consolidated Billing, meaning our customers get a combined bill including both PECO's and Commerce Energy's charges.

On February 9, 2005, Commerce Energy entered into an agreement to acquire the assets of ACN Energy, a division of ACN, Inc. Upon obtaining PUC approval, appropriate licenses and making appropriate notifications to affected customers in Pennsylvania, Commerce Energy became the electric and gas supplier to customers that were formerly served by ACN in June 2005.

The following is the chain of events as compiled from records obtained from Commerce Energy's and ACN's internal systems.

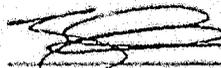
- Henry Rush agreed to switch his electric service from service with PECO Energy to ACN on November 16, 2004. Complainant signed ACN's enrollment form on that date. (Exhibit A).
- An enrollment request was sent electronically to PECO by ACN on November 17, 2004.
- A Welcome Package including Terms and Conditions were mailed to the complainant on November 18, 2004 by ACN. (Exhibit B).
- Complainant commenced service with ACN Energy on January 4, 2005.
- The Complainant has been billed at a variable rate from January 4, 2005 through February 2, 2006. The enclosed billing analysis shows the rate has gradually increased on a monthly basis with the greatest increase in October 2005 (Exhibit C).
- The complainant cancelled account with Commerce Energy on January 17, 2006. Customer was returned to service with PECO Energy on the following meter read date of February 2, 2006.

In the aftermath of hurricane Katrina and Rita, that hit the US Coast in the fall of 2005, natural gas prices increased to record highs. Natural gas futures are directly correlated to the cost of power, since this is the fuel used by most power generators and therefore is the variable cost determinant. Commerce Energy's purchase and trade electricity on the open market and our rates to the customer largely reflects the price we pay for electricity. Enclosed with this response are a NYMEX diagram and a print-out from the Energy Information Administration showing monthly Natural Gas and Electric Power Price Trends during 2005. (Exhibit D and E).

It should be noted that Mr. and Mrs. Rush was free to cancel their agreement with Commerce Energy/ACN at any time with no penalty. The terms and conditions clearly states that the terms was for a variable rate that could vary in price, depending on the wholesale price of electricity. The customer has been billed in accordance with the agreement.

Commerce Energy always conducts ourselves in the most professional and ethical manner possible when contacting customers, and we strive to follow all states rules and regulations. Although Commerce Energy denies Mr. and Mrs. Rush's allegations, we will obey any directives that the PAPUC sees necessary to resolve this issue.

The information I have placed in this letter 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.



Signature

4/12/06

Date

Inger Goodman
Printed Name

Sr. Regulatory Analyst
Title

For further information, please contact Inger Goodman at 714-259-2508.

Cc: Henry and Edna Rush
657 Ridge Road
Telford, PA 18969

Encl. (Exhibits)

- (A) Enrollment Form
- (B) Terms and Conditions
- (C) Billing Analysis
- (D) NYMEX Price Diagram
- (E) EIA Gas Price History

Disclosure Statement for Electric Generation Service

This is an agreement for electric generation service, between ACN Energy, Inc., and

(Customer's name and full address)

Background

We at ACN Energy, Inc., are licensed by the Pennsylvania Public Utility Commission to offer and supply electric generation services in Pennsylvania. Our PUC license number is A-110102.

- We set the generation prices and charges that you pay. The Public Utility Commission regulates distribution prices and services. The Federal Energy Regulatory Commission regulates transmission prices and services.
- You will receive a single bill from your electric distribution company ("EDC") for our charges as well as the EDC's charges. ACN Energy reserves the right to assume the billing function for our services.
- Rights of Recision — You may cancel this agreement at any time before midnight of the third business day after receiving this disclosure.

Definitions

- Generation Charge — Charge for production of electricity.
- Transmission Charge — Charge for moving high voltage electricity from a generation facility to the distribution lines of an electric distribution company.
- Customer Charge — A fixed monthly charge for costs incurred by ACN Energy, Inc., in servicing your account.

TERMS OF SERVICE

1. Basic Service Prices

a. Generation and Transmission Charges

You will pay a variable rate ("price") starting at a price of at least four cents per kWh for electric generation and transmission services, which may be increased up to fourteen cents per kWh due to increases in the wholesale price of electricity. This price includes estimated total state tax. This price excludes state sales and local taxes, if applicable. For current prices, visit our website at www.ACNEnergy.com or call our ACN Energy Rate Hotline at 1-877-226-3649.

b. Customer Charge

You will pay \$2.78 per month for the customer charge.

c. Security Deposits

We may perform a credit check. Based upon the results of a credit check, and prior to switching your account to ACN Energy, you may be required to either: (1) pay a security deposit; or (2) agree to pre-authorized credit card payments for your monthly bills. ACN Energy will follow applicable regulations.

2. Length of Agreement

This is a month to month agreement. You will buy your electricity generation services for the above street address from ACN Energy, Inc., beginning on your first meter read date on or after _____ and will continue until this agreement is cancelled by either one of us according to paragraph 5.

3. Limitation of Liability

ACN Energy assumes no liability or responsibility for losses or consequential damages arising from the following items associated with your local electric distribution company: operations and maintenance of their system; any interruption of service, termination of service; or deterioration of service. Nor does ACN Energy, Inc., assume responsibility or liability for losses or consequential damages arising from any in-home or building wiring damages. The remedy in any claim or suit by you against ACN Energy will be limited to direct actual damages. By entering into this agreement, you waive any right to any other remedy. In no event will either ACN Energy or you be liable for consequential, incidental or punitive damages. These limitations apply without regard to the cause of any liability or damages.

4. Penalties, Fees and Exceptions

You agree that you will pay your bill on or before the due date shown on the bill. If you do not pay the full amount of the bill by the due date, you will be charged interest at a rate of 1.5% per month on unpaid balances or otherwise in accordance with your EDC's policies and procedures. If PECO Energy is billing for ACN Energy, you will be charged interest at a rate of 1.25% per month on unpaid balances.

5. Cancellation Provisions

You may cancel this agreement for any reason by giving ACN Energy 30 days written notice. ACN Energy may cancel this agreement for any reason by giving you two written notices. The first notice will be sent to you between 52 and 90 days before the effective

date of the cancellation, and the second will be sent to you at least seven days after the first notice and at least 45 days before the effective date of the cancellation. If you do not pay your bill on time, we may cancel this agreement for non-payment by providing 10 days written notice. If ACN Energy cancels your service for nonpayment, you must pay the balance owed under this agreement plus our reasonable collection costs up to \$50.00

6. Agreement Expiration/Change in Terms

If we propose to change the terms of our service, we will send you two written notices. The first notice will be sent to you between 52 and 90 days before the effective date of the changes, and the second will be sent to you at least seven days after the first notice and at least 45 days before the effective date of the changes. We will explain your options in these advance notices.

7. Dispute Procedures

Contact us with any questions concerning our terms of service. You may call the Public Utility Commission if you are not satisfied after discussing the terms of service with us.

8. Contact Information

Supplier Name: ACN Energy, Inc.
Address: 411 Third Street
Gwinn, Michigan 49841
Telephone Number: 1-877-226-5392
Internet Address: www.acnenergy.com

Electric Distribution
Company Name/Provider of
Last Resort

In PECO Utility Area: PECO Energy
2301 Market St.
Philadelphia, Pennsylvania 19101
1-800-494-4000

Universal Service Program: PECO Energy Customer Assistance Program 1-800-494-4000

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

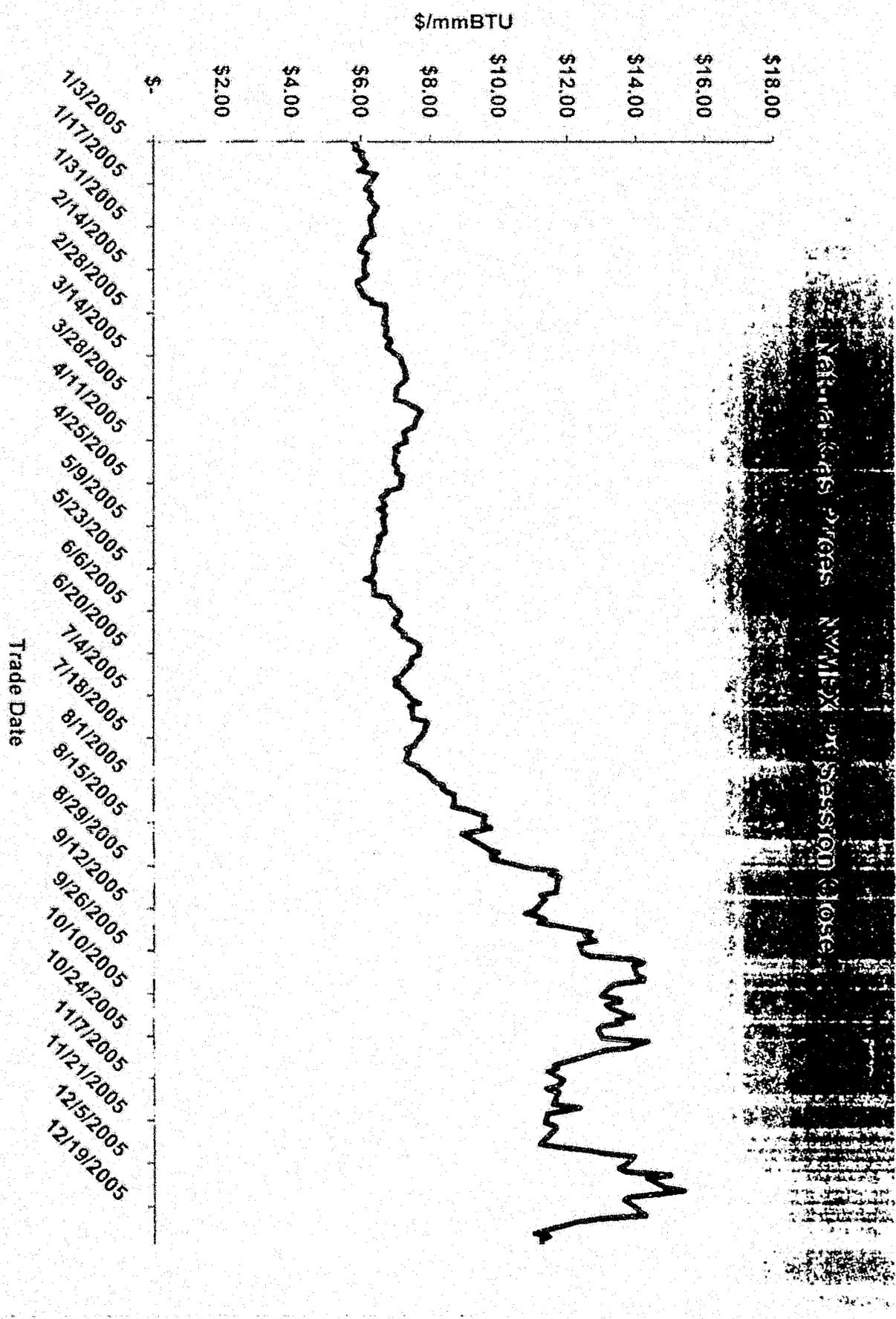
Utility Choice Hotline: 1-888-782-3228

Henry and Edna Rush
LDC Acct #: 400207920531

Commerce Energy
4/6/2006

Meter Number	Start Date	End Date	Usage	Unit	Rate	Total Bill Amt
9G 3643050	1/4/2006	2/2/2006	985	kWh	\$0.1317	\$139.87
9G 3643050	12/2/2005	1/4/2006	1298	kWh	\$0.1144	\$154.19
9G 3643050	11/2/2005	12/2/2005	937	kWh	\$0.1144	\$109.95
9G 3643050	10/4/2005	11/2/2005	890	kWh	\$0.1247	\$113.45
9G 3643050	9/2/2005	10/4/2005	1261	kWh	\$0.0918	\$122.36
9G 3643050	8/2/2005	9/2/2005	1479	kWh	\$0.0885	\$133.82
9G 3643050	7/5/2005	8/2/2005	1623	kWh	\$0.0885	\$146.42
9G 3643050	6/2/2005	7/5/2005	1476	kWh	\$0.0800	\$122.38
9G 3643050	5/3/2005	6/2/2005	875	kWh	\$0.0751	\$68.59
9G 3643050	4/4/2005	5/3/2005	836	kWh	\$0.0751	\$65.52
9G 3643050	3/2/2005	4/4/2005	1135	kWh	\$0.0702	\$82.90
9G 3643050	2/2/2005	3/2/2005	1059	kWh	\$0.0702	\$77.07
9G 3643050	1/4/2005	2/2/2005	1160	kWh	\$0.0698	\$83.77

*Bill Amount includes Gross Receipt Tax of 5.9%.




 View History: Monthly Annual

U.S. Natural Gas Electric Power Price (Dollars per Thousand Cubic Feet)

Year	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
2002	3.10	2.86	3.37	3.80	3.78	3.61	3.49	3.42	3.71	4.19	4.35	4.72
2003	5.33	6.47	7.05	5.38	5.70	6.08	5.45	5.23	5.12	4.98	4.85	5.69
2004	6.37	5.76	5.50	5.74	6.30	6.52	6.24	5.97	5.39	6.05	6.71	6.88
2005	6.61	6.41	6.82	7.25	6.81	7.07	7.55	8.59	10.94	11.88	9.82	NA
2006	NA											

Updated on 4/7/2006

Source: U.S. Energy Information Administration

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COMMONWEALTH OF PENNSYLVANIA
PENNSYLVANIA PUBLIC UTILITY COMMISSION
Office of Administrative Law Judge
P.O. BOX 3265, HARRISBURG, PA 17105-3265
July 20, 2006

IN REPLY PLEASE
REFER TO OUR FILE

In Re: C-20066025,
C-20066026

(See attached list)

DOCUMENT FOLDER

C-20066025 Henry and Edna Rush v. Commerce Energy, Inc.
C-20066026 Henry and Edna Rush v. PECO Energy Company

Billing 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: Monday, August 28, 2006
Time: 10:00 a.m.
Presiding: Administrative Law Judge Herbert Smolen
1302 Philadelphia State Office Building
1400 West Spring Garden Street
Philadelphia, PA 19130
Telephone: 215.560.2105
Fax: 215.560.3133

DOCKETED
AUG 30 2006

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

Henry and/or Edna Rush	215-234-0903
Inger Goodman	714-259-2508
Lisa A. Lutz, Esquire	215-841-5841

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.

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 5 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 at least (2) two business days prior to your hearing:

- Scheduling Office: 717.787.1399
- AT&T Relay Service number for persons who are deaf or hearing-impaired: 1.800.654.5988

pc: Judge Smolen
Susan Licon
Beth Plantz
Docket Section
Calendar File



COMMONWEALTH OF PENNSYLVANIA
PENNSYLVANIA PUBLIC UTILITY COMMISSION
Office of Administrative Law Judge
P.O. BOX 3265, HARRISBURG, PA 17105-3265
August 2, 2006

IN REPLY PLEASE
REFER TO OUR FILE

In Re: C-20066025,
C-20066026

(See letter of 7-20-06)

DOCUMENT FOLDER

C-20066025 Henry and Edna Rush v. Commerce Energy, Inc.
C-20066026 Henry and Edna Rush v. PECO Energy Company

Billing dispute.

Hearing Cancellation/Reschedule Notice

This is to inform you that the initial telephone hearing on the above-captioned case has been changed as follows.

Type: Initial inperson hearing
Date: Monday, August 28, 2006
Time: 10:00 a.m.
Location: In an available hearing room
Philadelphia State Office Building
Broad and Spring Garden Streets
Philadelphia, PA 19130
Presiding: Administrative Law Judge Herbert Smolen
1302 Philadelphia State Office Building
1400 West Spring Garden Street
Philadelphia, PA 19130
Telephone: 215.560.2135
Fax: 215.560.3133

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 at least (2) two business days prior to your hearing:

- Scheduling Office: 717.787 1399
- AT&T Relay Service number for persons who are deaf or hearing-impaired: 1.800.654.5988

pc: Judge Smolen
Susan Licon
Beth Plantz
Docket Section
Calendar File