

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-20043480
- 4. PUBLIC MEETING DATE:
00/00/00
- 7. DATE FILED: 08/04/04
- 9. EFFECTIVE DATE: 00/00/00

PARTY/COMPLAINANT: RUSSELL, THERESA

RESPONDENT/APPLICANT: PECO ENERGY COMPANY

COMP/APP COUNTY: PHILADELPHIA

UTILITY CODE: 110550

ALLEGATION OR SUBJECT

COMPLAINANT STATES WANTS THE PUC TO TELL PECO THAT SHE WILL PAY \$30 PLUS THE CURRENT MONTHLY CHARGES UNTIL HER BALANCE IS PAID IN FULL.

DOCUMENT
FOLDER

DOCKETED
AUG 10 2004

C-20043480

ORIGINAL

Formal Complaint Form
Pennsylvania Public Utility Commission

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

1. Your name, mailing address and telephone number.

Name Theresa Russell
Street/P.O.Box 7319 Chelvynde Ave Apt # _____
City Phila State PA Zip 19153
County Phila Area Code/Home Phone 215-492-5389
Area Code/Work Phone 610-543-6000

2. Name of company your complaint concerns: Peco Energy

3. What is your complaint? (Use additional paper if need more space).
A family member was in the house for a period of time, and I got to know later that the ~~was~~ bills were not being paid. Now it is really high and I can not afford to pay it in full. I am a single Mom trying very hard to make ends meet, but is deep in debt. I will appreciate your help.

4. What do you want the Public Utility Commission to do about your complaint? (Use additional paper if need more space).
I want you to please tell them that I can pay \$30.00 plus my current monthly charges until my balance is paid in full. I am in a high debt and can not keep up with a large portion.

5. You must sign and date your complaint below.

The information I have placed on this form is true and correct to the best of my knowledge. I understand that I could be punished under Pennsylvania State Law if I purposely give false information.

Theresa Russell
Signature

August 1, 2004
Date

Continued on next page

34

I am only begging for your help.

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

Lawyer's Name _____

Street _____

City _____ State _____ Zip _____

Area Code/Phone Number _____

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

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

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

DATE SERVED: AUGUST 11, 2004

C-20043480

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

DOCUMENT
FOLDER

Dear Sir/Madam:

A complaint has been filed against you before the Pennsylvania Public Utility Commission by THERESA RUSSELL. To defend yourself against the claims stated in the following pages, you must act within twenty (20) days by filing in writing with the Commission, either personally or through your attorney, your defenses or objections to the claims stated against you. Or, you may satisfy the complaint by settling the matter with the Complainant and submitting proof of settlement to the Commission within twenty (20) days.

IF YOU FAIL TO RESPOND WITHIN TWENTY (20) DAYS, THE CASE MAY GO FORWARD IN YOUR ABSENCE AND A JUDGEMENT MAY BE ENTERED AGAINST YOU BY THE COMMISSION WITHOUT FURTHER NOTICE.

CUSTOMER OF A UTILITY

A payment schedule may be prescribed or a termination of utility services may be authorized. You may lose money or property or other rights important to you.

COMPANY/UTILITY

An Administrative Law Judge may revoke or suspend any certificate or permit held by you, or impose a fine, or any other appropriate penalty or remedy authorized by the Public Utility Code. You may lose money or property or other rights important to you.

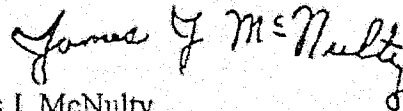
AUGUST 11, 2004

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

Unless you are a corporation or other organization, you may proceed without a lawyer. However, if you want a lawyer and do not have one or cannot afford one, the office listed below can tell you where you can get legal help:

Pennsylvania Lawyer Referral Service
Pennsylvania Bar Association
P.O. Box 186
Harrisburg, PA 17108
(800) 692-7375

Very truly yours,



James J. McNulty
Secretary

JH

BEFORE THE PENNSYLVANIA PUBLIC UTILITY COMMISSION

DATE SERVED: AUGUST 11, 2004

THERESA RUSSELL

Complainant

VS.

PECO ENERGY COMPANY

Respondent

Complaint Docket

No: C-20043480

DOCUMENT
FOLDER

DOCKETED
AUG 10 2004

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,

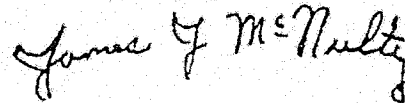
1. You have twenty (20) days from the date on which this complaint is served to either satisfy this complaint or to file with the Secretary of the Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, an answer (original and three copies), in writing, under oath, which, as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

ORIGINAL

ExelonSM

Legal Department

Telephone 215.841.5544
www.exeloncorp.com

Business Services
Company

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

Direct Dial: 215.841.5974
Fax: 215.568.3389
August 26, 2004

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

Re: Theresa Russell v. PECO Energy Company
Docket No. C-20043480

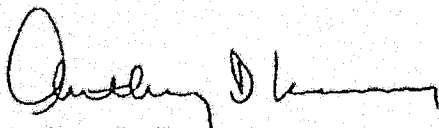
Dear Mr. McNulty,

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

- X Answer (original and 3 copies)
- Answer and Motion (original and 3 copies)
- Petition (original and 3 copies)
- Answer and New Matter (original and 3 copies)
- Amended Motion (original and 3 copies)
- Exceptions (original and 9 copies)
- Reply Exceptions (original and 9 copies)
- Motion (original and 9 copies)
- Reply Motion (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,



Anthony D. Kanagy
Counsel for PECO Energy Company

Enclosures
cc: All Parties

RECEIVED

AUG 26 2004

PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

DOCUMENT
FOLDER

125

RECEIVED

AUG 20 2004

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION
PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

THERESA RUSSELL :
 :
 v. : DOCKET NO. C-20043480
 :
 PECO ENERGY COMPANY :

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. Denied. PECO Energy specifically denies that Complainant is unable to pay

Complainant's electric bill and strict proof thereof is hereby demanded at time of hearing. By way of further response, PECO Energy avers that Complainant's current outstanding balance is \$5,135.94. This balance accumulated over several years. The Complainant's average monthly bill is currently \$120.00 and Complainant's calculated budget payment is currently \$129.00. The Complainant is enrolled in the CAP Rate Program and receives a 25% discount on the first 500 kilowatts of electric service.

A decision of the Bureau of Consumer Services ("BCS") issued on or about March 30, 2004 required the Complainant to pay a \$142.00 budget payment plus \$15.00 per month toward the arrears beginning May 2004. The Complainant has not complied with the BCS decision. A copy of the BCS decision is attached as Exhibit A.

PECO Energy is without sufficient knowledge to either confirm or deny the remaining statements of this Complainant. Therefore PECO Energy denies all such averments.

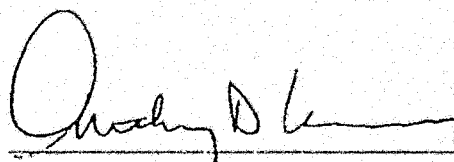
DOCKETED
SEP 02 2004

DOCUMENT
FOLDER

4. This paragraph is a request for relief and no answer is required.

WHEREFORE, PECO Energy Company respectfully requests that your Honorable Commission dismiss the instant Complaint or remove the automatic stay on the payment arrangement set forth under the Bureau of Consumer Services decision and authorize PECO Energy Company to terminate service if said payment is not made. 56 Pa. Code § 56.174(3); Charles Stammel v. PG Energy, a Division of Southern Union Company, Docket No. C-20027994 (Order Entered May 21, 2003). PECO Energy further requests that your Honorable Commission enter an Interim Order directing payment of current undisputed consumption charges in addition to charges set forth in the Bureau of Consumer Services decision while the hearing in this matter is pending and reminding Complainant that PECO Energy Company is authorized to terminate service if Complainant fails to pay according to said Interim Order pursuant to Sections 56.174(3) and 56.81(1) of the Public Utility Code. Charles Stammel, Docket No. C-20027994 (Order Entered May 21, 2003).

Respectfully Submitted,



Anthony D. Kanagy
Counsel for PECO Energy Company
2301 Market Street, S23-1
P.O. Box 8699
Philadelphia, PA 19101-8699
Direct Dial: 215.841.5974
Fax: 215.568.3389
anthony.kanagy@exeloncorp.com

Date: 8/20/04

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

Case Number: 1614140
Customer Name: THERESA RUSSELL
Address: 7319 CHELWYNDE AVE
PHILADELPHIA PA 19153-2205

Opened On: 3/18/04
Utility Type: Electric Distributor
Account Number: 251511302670
Company Name: PECO Energy

Prior Case: Total Balance: \$5,052.13 Balance Date: 3/19/04

Compliance Violation(Alleged, Actual, No) NO Chap 56/64/Other: Section/Rule:

Decision Issued: Y Oral Written: W
Investigator: BYNDAS, JULIA PUC Decision Issued Dt: 3/30/04 PUC Case Closed Dt: 3/26/04
Decision Recvd Dt: 3/26/04 10:25AM

Letter Description: CAP STRAIGHT DECISION

To Restore Service Pay:	\$0.00	To Continue Service Pay:	\$0.00	By:
Terms:	MAY 2004			
Special Budget Amount:	\$157.00	Regular Budget Amount:	\$142.00	Plus Arrears Payment: \$15.00
Final Bill Monthly Payment:	\$0.00	Current Bill Monthly Payment:	\$0.00	
End Of Month Payment:	\$0.00			

Par Description:

Resolution:
CAP'S SEE CS17 SCREEN FOR PMT ARR. WAIVE LPC'S

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

THERESA RUSSELL

v.

PECO ENERGY COMPANY

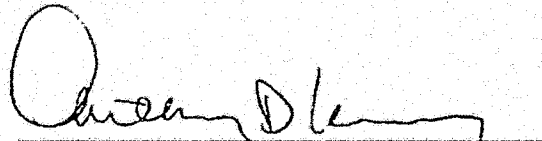
:
:
:
:
:

DOCKET NO. C-20043480

VERIFICATION

I, Anthony D. Kanagy, 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: August 26, 2004



Anthony D. Kanagy

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

THERESA RUSSELL

v.

PECO ENERGY COMPANY

:
:
:
:
:

DOCKET NO. C-20043480

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, properly addressed and postage prepaid to:

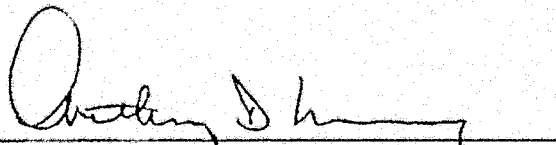
Theresa Russell
7319 Chelwynde Ave.
Philadelphia, PA 19153

Dated at Philadelphia, Pennsylvania, August 26, 2004

RECEIVED

AUG 20 2004

PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU



Anthony D. Kanagy
Counsel for PECO Energy Company
2301 Market Street, S23-1
P.O. Box 8699
Philadelphia, PA 19101-8699
Direct Dial: 215.841.5974
Fax: 215.568.3389
anthony.kanagy@exeloncorp.com