

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: 06/14/04
8. DOCKET NO: Z-01633956	:	9. EFFECTIVE DATE: 00/00/00

PARTY/COMPLAINANT: GEROME, MARK JOHN

RESPONDENT/APPLICANT: PECO ENERGY COMPANY

COMF/APP COUNTY: PHILADELPHIA

UTILITY CODE: 110550

ALLEGATION OR SUBJECT

COMPLAINANT STATES HE IS BEING BILLED BY PECO FOR CHARGES FROM AUG. 2003. HE STATES HE PAID ALL HIS BILLS & A CHECK WAS NEVER RETURNED TO HIM OR HIS BANK. HE HAS COTTEN POOR CUSTOMER SERVICE AND NO HELP FROM PECO. WOULD LIKE HIS ACCOUNT FIXED AND PECO TO GIVE BETTER CUSTOMER SERVICE.

**DOCKETED**  
JUL 12 2004

DOCUMENT  
INDEXED

FORMAL COMPLAINT FORM  
Pennsylvania Public Utility Commission

ST1633956  
JUNE 24 2004

ORIGINAL

Please Print:

1. Your Name, Mailing Address and Telephone Number.

Name MARK JOHN GEROME

Street/P.O. Box 6319 CARDIFF ST. Apt.#

City PHILADELPHIA State Pa Zip 19149

County  Home Telephone-Area Code (215) 268-2697  
Work Telephone-Area Code (215) 673-3520 x240

2. Name of Company your complaint concerns: PECO ENERGY

3. What is your complaint?

I AM BEING BILLED BY PECO FOR CHARGES FROM AUGUST  
OF 2003, WHICH THEY SAY MY PAYMENT CHECK WAS RETURNED TO THEM  
IN JANUARY 2004. NONE OF MY STATEMENTS IN THAT TIME PERIOD  
REFLECTED THIS, NOR DID I EVER RECEIVE A CALL ABOUT THIS.  
THE FIRST NOTICE I HAD WAS A SHUT-OFF NOTICE ON FEBRUARY 2, 2004,  
ONE WEEK AFTER I PAID JANUARY BILL WHICH BROUGHT MY  
ACCOUNT BALANCE TO \$0.00. WHEN I CHECKED WITH MY BANK  
THEY HAD NO RECORD OF RETURNING ANY CHECKS TO PECO ENERGY  
IN THAT TIME PERIOD. PECO HAS NEVER GIVEN ME HELP RESOLVING  
THIS OR A REASON TO BELIEVE I OWE THEM THIS BALANCE.

(If you need more space, use additional paper and attach to this form).

(-over-)

RECORDS  
2004 JUN 24 10:00 AM  
666

4. What do you want the Public Utility Commission to do about your complaint?

I WAS VERY RUDELY TREATED AND EVEN WAS HUNG  
UP ON WHEN I CALLED PECO TO RESOLVE THIS. I WOULD LIKE  
FOR THE P.U.C. TO HOLD PECO ACCOUNTABLE FOR  
HARASSING A LOYAL PAYING CUSTOMER AND HELP ME  
GET MY ACCOUNT FIXED.

THANK YOU

(If you need more space, use additional paper and attach to this form.)

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.

Marc J. Hume  
Original Signature of complaining person

6-9-04  
Date

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 \_\_\_\_\_

Telephone Number-Area Code ( ) \_\_\_\_\_

**NOTIFICATION OF INTENT TO APPEAL**  
(Request For Formal Complaint Forms)

**Notice to Customer:**

If you sign and return this form, you are notifying the Public Utility Commission that you intend to appeal this informal complaint decision. Do not return this form unless you want to appeal this decision.

If you want to appeal this decision, you must return this Notification of Intent to Appeal form within 20 days of 4/30/2004. The Commission will send you formal complaint forms.

You must comply with the terms of this decision until the Public Utility Commission completes the formal complaint process. You must make all of the required payments or the utility company may pursue the termination of your service.

Thank You  
Pennsylvania Public Utility Commission

**Yes, I want to appeal the decision of the Bureau of Consumer Services. Please send formal complaint forms to me at the following address:**

Customer name and address:  
(Please correct any mistakes.)

MARK J GEROME  
6319 CARDIFF STREET  
PHILADELPHIA PA 19149

215-288-2697  
(Area Code) Telephone Number

Max J. Gerome  
Signature

Mail this completed form to:

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

ST Number:	1633956	Date of mailing:	4/30/2004
Company:	PECO ENERGY		

REVISED  
SECRETARIAT'S BUREAU  
MAY 13 11:00 AM '04  
74



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

DUE BACK 6/24/04

IN REPLY PLEASE  
REFER TO OUR FILE

June 4, 2004

ST1633956

MARK J GEROME  
6319 CARDIFF STREET  
PHILADELPHIA PA 19149

Dear Sir/Madam:

We have received your request to appeal the decision of the Bureau of Consumer Services.

We have enclosed one complaint form for you to complete. Please read carefully the instructions to help you complete the form.

\*\* Please make sure you sign the form. We must receive your original signature in order for us to process your complaint. Your form will be returned to you if an original signature is not received.

Return the form to us on or before June 24, 2004, to the address listed below:

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

**While you wait for us to reach a decision on your complaint, you must pay all undisputed bills (ones that are not a part of your complaint). As long as you pay all undisputed bills and return these formal complaint forms to us on time, the company is not permitted to terminate your service.**

Commission Procedures for Formal Complaints

- We send a copy of this letter to the company so they know you are appealing the Bureau of Consumer Services' decision;
- We also send the company a copy of your completed formal complaint forms. Once they receive it, they have 20 days to send us an answer to your complaint. The company will send you a copy of their answer.
- Once we receive all the paperwork, we usually will schedule your hearing before an Administrative Law Judge.

- We will notify both you and the company by mail when the hearing date is set.
- If you cannot travel to your hearing, you can request that the hearing be held by phone. This is called a telephonic hearing. If we can, we will schedule a telephonic hearing for you.
- We will most likely schedule your hearing sometime within three months after you file your complaint forms. If you know of certain dates when you will not be available for a hearing, let us know when you file your forms. We will try to work around your schedule.
- If you cannot attend the hearing on the scheduled date, you must request a different time or date. You should request the change at least 5 days before your hearing by writing to:

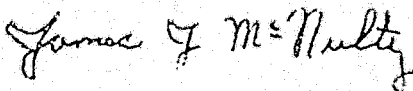
Office of Administrative Law Judge  
Public Utility Commission  
P.O. Box 3265  
Harrisburg, PA 17105-3265

**YOU SHOULD INCLUDE YOUR DAYTIME TELEPHONE NUMBER IN YOUR LETTER. DEPENDING ON YOUR REASON FOR NOT BEING ABLE TO ATTEND THE SCHEDULED HEARING, YOUR REQUEST TO CHANGE THE HEARING MAY OR MAY NOT BE APPROVED. WE WILL LET YOU KNOW OUR DECISION ON YOUR REQUEST FOR CHANGING THE HEARING DATE BEFORE THE DATE OF THE HEARING.**

**YOU MUST ATTEND SCHEDULED HEARINGS IN PERSON OR BY PHONE. IF YOU DO NOT ATTEND, YOUR COMPLAINT MAY BE DISMISSED (THROWN OUT).**

If you have any questions about the complaint process, please call the Bureau of Consumer Services, toll free, at 1-800-782-1110.

Very truly yours,



James J. McNulty  
Secretary

ddi

CC: PECO ENERGY

BEFORE THE PENNSYLVANIA PUBLIC UTILITY COMMISSION

DATE SERVED: 07/14/04

**DOCKETED**

JUL 12 2004

Mark John Gerome

Complainant

VS.

PECO ENERGY COMPANY

Respondent

Complaint Docket

No: Z-01633956

EXHIBIT

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FORMAL COMPLAINT NOTICE TO RESPONDENT TO ANSWER OR SATISFY

TO: PECO ENERGY COMPANY

TAKE NOTICE:

That a complaint in the above entitled matter, of which the attached is a true and correct copy, has been presented and filed of record with the Pennsylvania Public Utility Commission. Section 702 of the Public Utility Code, 66 Pa. C.S. Section 702, requires the Commission to serve on each party named in a complaint a copy of the complaint and notice calling upon each party to satisfy the complaint, or to answer the same in writing within a specified time; THEREFORE,

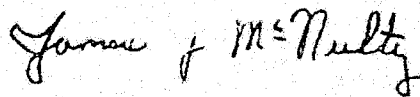
1. You have twenty (20) days from the date on which this complaint is served to either satisfy this complaint or to file with the Secretary of the Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, an answer (original and three copies), in writing, under oath, which, as required by Section 5.61 of the Commission's Rules of Practice and Procedure, 52 Pa. Code Section 5.61, either affirms or specifically denies the allegations in this complaint. You must also serve a copy of the answer upon the complainant. The date of service is the mailing date as indicated by the date at the top of this Notice. Section 1.56(a) of the Commission's Rules of Practice and Procedure, 52 Pa. Code Section 1.56(a).

2. If you fail to either satisfy this complaint or to file answer or other responsive pleading within twenty (20) days, you will be deemed to have admitted all the allegations in this complaint in accordance with Section 5.61 of the Commission's Rules of Administrative Practice and Procedure, 52 Pa. Code Section 5.61. In that event, the Commission may, without hearing, enter an order which either revokes or suspends any certificate or permit held by you or which imposes a fine or any other appropriate penalty or remedy authorized by the Public Utility Code, 66 Pa. C.S. Section 101, et seq.; and, if you are a customer of a utility, an order may be entered which prescribes a payment schedule or which authorizes termination of utility services. The Commission is not limited to the relief sought by the complainant in paragraph 4 of the attached complaint.

3. If you elect to satisfy this complaint you must file, within twenty (20) days from the date on which this complaint is served, affidavits executed by each complainant that this complaint has been satisfied. Such affidavits must describe the basis on which this complaint was satisfied; any settlement agreement between the parties must be reduced to writing and attached to the affidavit. Such affidavits are to be filed with the Secretary of the Commission at the address set forth in paragraph 1. Upon receipt of affidavits of satisfaction from all complainants, this complaint may be dismissed by the Commission in accordance with Section 703(a) of the Public Utility Code, 66 Pa. C.S. Section 703(a), unless the Commission determines that such dismissal would be contrary to the public interest, in which event the Commission may direct that hearings be held upon the complaint.

4. If you file an answer which admits the allegations in this complaint, or which fails to specifically deny the allegations in this complaint, the Commission may, without hearing, enter an order which either revokes or suspends any certificate held by you or which imposes a fine or any other appropriate penalty or remedy authorized by the Public Utility Code, 66 Pa. C. S. Section 101, et seq.; and, if you are a customer of a utility, an order may be entered which prescribes a payment schedule or which authorizes termination of utility services. The Commission is not limited to the relief sought by the complainant in paragraph 4 of the attached complaint.

5. If you file a timely answer which specifically denies the allegations in this complaint, or which raises material questions of law or fact, this matter shall be referred to the Office of Administrative Law Judge for hearing and decision. If, after hearing on the issues raised by that answer, you are found to have committed any of the violations alleged in the complaint, the Administrative Law Judge may render a decision which either revokes or suspends any certificate or permit held by you or which imposes a fine or any other appropriate penalty or remedy authorized by the Public Utility Code, 66 Pa. C. S. Section 101, et seq.; and, if you are a customer of a utility, an order may be entered which prescribes a payment schedule or which authorizes termination of utility services. In the imposition of a penalty after a hearing the Administrative Law Judge is not bound by the relief sought by the complainant in paragraph 4 of the attached complaint.



James J. McNulty  
Secretary

(SEAL)

Certified Mail  
Return Receipt Requested

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

DATE SERVED: 07/14/04

Z-01633956

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

DOCUMENT  
FOUNDED

Dear Sir/Madam:

A complaint has been filed against you before the Pennsylvania Public Utility Commission by Mark John Gerome. 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.

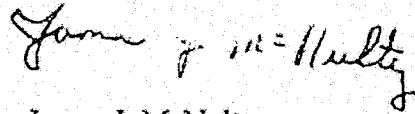
07/14/04

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

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

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

Very truly yours,

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

James J. McNulty  
Secretary

es

Legal Department

Telephone 215.841.5544  
www.exeloncorp.com

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

Direct Dial: 215.841.5974

Fax: 215.568.3389

August 3, 2004

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

Re: **Mark John Gerome v. PECO Energy Company**  
**Docket No. Z-01633956**

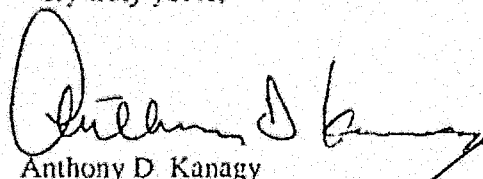
Dear Mr. McNulty:

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

**DOCUMENT  
FOLDER**

**RECEIVED**

AUG 03 2004

PA PUBLIC UTILITY COMMISSION  
SECRETARY'S BUREAU

Enclosures  
cc: All Parties

56

BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION

ORIGINAL

MARK JOHN GEROME

v.

PECO ENERGY COMPANY

DOCKET NO. Z-01633956

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. On August 22, 2003, Complainant attempted to make a payment of \$170.51

PECO using the Interactive Voice Response ("IVR") system. IVR is a payment system whereby customers can enter payments over the telephone. When Complainant entered the information necessary to make the payment on August 22, 2003, he did not enter the correct checking account number. When a situation like this happens, PECO automatically credits the account even though PECO has not received the money on the assumption that the customer's bank will correct the situation and forward the money to PECO. In this case, the bank delayed and then did not send the money to PECO. As a result, PECO removed the credit of \$170.51 on January 26, 2004 from Mr. Gerome's account, because PECO did not actually receive the payment. The same situation happened again on October 17, 2003 when Mr. Gerome attempted to make a payment of \$159.59. Again, PECO credited his account on the assumption that the bank would forward the money. This never happened. As a result, PECO removed the credit of \$159.59 on February 25, 2004 because the bank delayed, and PECO did not receive the money.

RECEIVED

AUG 18 2003

PA PUBLIC UTILITY COMMISSION  
SECRETARY'S BUREAU

DOCKETED  
AUG 05 2004

DOCUMENT  
FOLDER

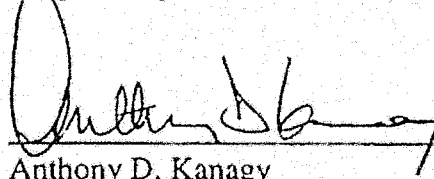
PECO is without sufficient knowledge to confirm or deny Complainant's statements relating to his banking statements and this information is not reasonably available; therefore, PECO denies all such averments and strict proof is demanded at hearing, if relevant. By way of further response, PECO records indicate that a shut-off notice was sent in March 2004 rather than February 2004.

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

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

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

Respectfully Submitted,



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

BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION

MARK JOHN GEROME

v.

PECO ENERGY COMPANY

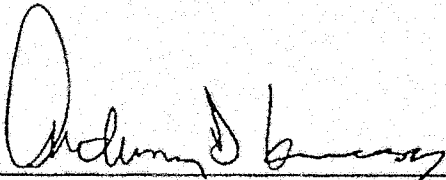
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DOCKET NO. Z-01633956

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 3, 2004

  
\_\_\_\_\_  
Anthony D. Kanagy

BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION

MARK JOHN GEROME

v.

PECO ENERGY COMPANY

:  
:  
:  
:  
:

DOCKET NO. Z-01633956

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:

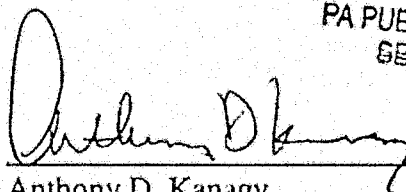
Mark John Gerome  
6319 Cardiff Street  
Philadelphia, PA 19149

Dated at Philadelphia, Pennsylvania, August 3, 2004

RECEIVED

AUG 03 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



COMMONWEALTH OF PENNSYLVANIA  
PENNSYLVANIA PUBLIC UTILITY COMMISSION  
Office of Administrative Law Judge  
P.O. BOX 3265, HARRISBURG, PA 17105-3265  
December 30, 2004

IN REPLY PLEASE  
REFER TO OUR FILE

In Re: Z-01633956

(SEE ATTACHED LIST)

Mark John Gerome v. PECO Energy Company

Billing dispute.

Hearing Notice

This is to inform you that your case is scheduled for hearing at 9:30 a.m. in Hearing Room 2 in the Philadelphia State Office Building. Your case is one of several cases that have been scheduled at this time in Hearing Room 2. You must be available in the hearing room when your case is called by the presiding Administrative Law Judge. You should arrive at the Hearing Room no later than 9:15 a.m. and wait in the Hearing Room until the presiding Administrative Law Judge calls your case. Your case might not be the first one to be called and you should be prepared to stay in the hearing room all morning, if necessary. If you are not present and prepared to go forward with your case when it is called, your case will be dismissed by the Administrative Law Judge.

Type: Initial Hearing  
Date: Tuesday, January 11, 2005  
Time: 9:30 a.m.  
Location: Hearing Room 2  
State Office Building  
Broad & Spring Garden Streets  
Philadelphia, PA

DOCUMENT  
FOLDER

**DOCKETED**  
JAN 21 2005

Presiding: Administrative Law Judge Cynthia W. Fordham  
1302 Philadelphia State Office Building  
1400 West Spring Garden Street  
Philadelphia, PA 19130  
Telephone: 215.560.2105  
Fax: 215.560.3133

Attention: You must be available in the hearing room when your case is called by the presiding Administrative Law Judge. If you are not present and prepared to go forward with your case when it is called, your case will be dismissed by the Administrative Law Judge.

If you intend to file exhibits, bring 4 copies with you to the hearing.

Individuals may represent themselves or be represented by an attorney. Individuals representing themselves do not need to be represented by an attorney. If you have an attorney representing you, your attorney 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:

- Scheduling Office: (717) 787-1399.
- AT&T Relay Service number for persons who are deaf or hearing-impaired: 1-800-654-5988.

pc: Judge Fordham  
Dawn Reitenbach  
Beth Plantz  
Docket Section  
Calendar File