

1 REPORT DATE: 00/00/00 :
 2 BUREAU: ALJ :
 3 SECTION(S) : 4. PUBLIC MEETING DATE:
 5 APPROVED BY: : 00/00/00
 DIRECTOR: :
 SUPERVISOR: :
 6 PERSON IN CHARGE: : 7. DATE FILED: 10/07/02
 8 DOCKET NO: Z-01179966 : 9. EFFECTIVE DATE: 00/00/00

PARTY/COMPLAINANT: LEVY, WARREN D

RESPONDENT/APPLICANT: PECO ENERGY COMPANY

COMP/APP COUNTY: PHILADELPHIA

UTILITY CODE: 110550

ALLEGATION OR SUBJECT

COMPLAINANT DISAGREES WITH BUDGET AMOUNT AND REQUESTS LOWER BUDGET AMOUNT TO \$175.00 PER MONTH.

DOCKETED
 OCT 16 2002

2-01179966

ORIGINAL

FORMAL COMPLAINT FORM Pennsylvania Public Utility Commission

ST-1179966
10/14/02

Please Print:

1. Your Name, Mailing Address and Telephone Number.

Name Warren D. Levy

Street/P.O. Box 1845 Walnut St ^{24th} Fl. Apt.#

City Phila State PA Zip ~~19102~~ 19103

County Phila Home Telephone-Area Code (215) 369-5426

Work Telephone-Area Code (215) 656-3653

OCT 16 2002

2. Name of Company your complaint concerns: PECO Energy

3. What is your complaint?

I disagree with the special budget amount of \$232/month.

SECRETARY'S BUREAU

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

(-over-)

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

Lower the budget amounts to
\$175/month.

SECRETARY'S BUREAU

(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.

Warren J. [Signature]
Original Signature of complaining person

10/4/02
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 9/17/2002. 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.)

WARREN D LEVY
1845 WALNUT ST 24 FLOOR
PHILADELPHIA PA 19103

215-656-3653
(Area Code) Telephone Number

Warren D. Levy
Signature

SECRETARY'S BUREAU

Mail this completed form to:

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

ST Number.	1179966	Date of mailing:	9/17/2002
Company.	PECO ENERGY		

REVISED 12/97

LAW OFFICES
WILLIG, WILLIAMS & DAVIDSON

TWENTY-FOURTH FLOOR
1845 WALNUT STREET
PHILADELPHIA, PENNSYLVANIA 19103

(215) 656-3600

FAX (215) 561-5135
DIRECT DIAL NUMBER

215-656-3653

September 19, 2002

DEBORAH R. WILLIG*
ALAIN S. WILLIAMS*
STUART W. DAVIDSON*
NANCY B. G. LASSEN
RALPH J. TETI
NANCY J. MCCAULEY†
WAYNE WYNN
DEBORAH M. LERNER
PATRICIA V. PIERCE†
LAURENCE M. GOODMAN†
WARREN D. LEVY†
LINDA M. MARTINI
IRWIN W. ARONSON
HANNAH SCHWARZSCHILD†
AMY L. ROSENBERGER*

LOUISE F. PONGRACZ
MATTHEW I. WHITEHORNET
JAMES S. BEALL
THEODORE P. DIMUZIO
SUSAN BAHME BLUMENFELD
ERIC M. FINK*
JAMES A. FUNT†
MICHAEL G. DRYDEN
KIMBERLY NFFB*
RICHARD G. POULSON
DONNA M. CANTORI
DAVID H. LIPOW†
JOHN T. KUPCHINSKY
MARIANNE HENRYA
DAVID M. HOBSON
STEVEN G. CULLIER
JOSHUA B. SEARS†
GILLIAN THOMAS
LISA RAYFORD BARRIMOND

ALSO ADMITTED IN:
* DISTRICT OF COLUMBIA
* NEW JERSEY
* NEW YORK

Commonwealth of Pennsylvania
Pennsylvania Public Utility Commission
Bureau of Consumer Services
P.O. Box 3265
Harrisburg, PA 17105

Re: Account No. 451141853031

Dear Sir/Madam:

Enclosed herein please find the Notification of Intent to Appeal form.

Kindly provide me with formal complaint forms at your earliest convenience.

Very truly yours,


WARREN D. LEVY

WDL/scf
Enclosure

HARRISBURG OFFICE
SUITE 400
212 LOCUST STREET
HARRISBURG, PA 17101-1510
TEL: (717) 221-1000
FAX: (717) 221-9311

NEW JERSEY OFFICE
38 HADDON AVENUE
HADDONFIELD, NJ 08033
TEL: (856) 616-0606
FAX: (856) 616-0064

OF COUNSEL
WILLIAM L. BOWEN
NEW JERSEY MANAGING ATTORNEY

SIDNEY H. LEHMANN

SECRETARY'S BUREAU

SEP 19 2002

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

2-01179966
10/14/02

IN REPLY PLEASE
REFER TO OUR FILE

September 24, 2002

ST 1:79966

WARREN D. LEVY
1845 WALNUT STREET
24 FLOOR
PHILADELPHIA PA 19103

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 OCTOBER 14, 2002 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:

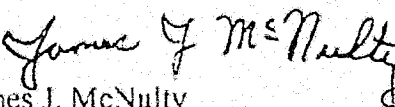
Office of Administrative Law Judge
Public Utility Commission
P.O. Box 3265
Harrisburg, PA 17105-3265

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

jih

CC. PECO ENERGY COMPANY

BEFORE THE PENNSYLVANIA PUBLIC UTILITY COMMISSION

DATE SERVED: October 17, 2002

WARREN D LEVY
Complainant

VS.

Complaint Docket
No: Z-01179966

PECO ENERGY COMPANY
Respondent

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 17120, an answer (original and two 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).

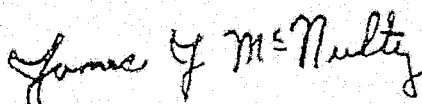
2. If you fail to either satisfy this complaint or to file answer or other responsive pleading within twenty (20) days, you will be deemed to have admitted all the allegations in this complaint in accordance with Section 5.61 of the Commission's Rules of Administrative Practice and Procedure, 52 Pa. 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: October 17, 2002

Z-01179966

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

DOCKETED
OCT 16 2002

Dear Sir/Madam:

A complaint has been filed against you before the Pennsylvania Public Utility Commission by WARREN D LEVY. 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.

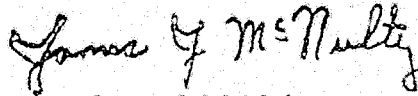
October 17, 2002

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

JEP



PECO Energy Company
2501 Market Street
PO Box 8699
Philadelphia, PA 19101-8699

Telephone 215 841 4000
www.exeloncorp.com

An Exelon Company

Direct Dial 215 841 6841

November 8, 2002

FedEx

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

RECEIVED

NOV 07 2002

PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

RE: Warren D. Levy v. PECO Energy Company
Docket No. Z-01179966

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)
- Petition (original and 3 copies)
- Amended Answer and New Matter (original and 3 copies)
- Motion and Supporting Brief (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)

DOCUMENT
FOLDER

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,

Priya Sankar
Attorney
Exelon Business Services Company

Enclosures

cc: Certificate of Service
Assessor: R. Tarpley

ORIGINAL

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BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

RECEIVED

NOV 07 2002

Warren D. Levy

v.

PECO Energy Company

PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

DOCKET NO. Z-01179966

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.

PECO Energy avers that Complainant's current outstanding balance is \$1550.32. The Complainant's average monthly bill is currently \$183.00 and Complainant's calculated budget payment is currently \$205.00. Complainant's calculated budget amount is based on 12 months of usage divided by 11 months.

A decision of the Bureau of Consumer Services ("BCS") on or about September 14, 2002, required the Complainant to pay \$192.00 budget plus \$40.00 monthly.

PECO Energy avers that Complainant has not complied with the BCS decision. A copy of the BCS decision is attached as Exhibit No. 1.

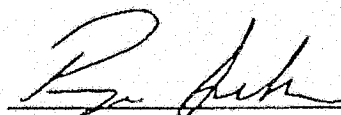
4. This paragraph is a request for relief and no answer is required.

DOCUMENT
FOLDER

DOCKETED
NOV 12 2002

WHEREFORE, PECO Energy Company respectfully requests that your Honorable Commission dismiss the instant Complaint or enter an Order directing payment and authorizing PECO Energy Company to terminate service if said payment is not made. If an Order directing payment is entered, PECO Energy Company requests that Complainant be required to make a lump sum payment equal to the amount of the payments missed under the Bureau of Consumer Services decision, less any payments actually made. PECO Energy further requests that, pursuant to Bernecker v. Bell Atlantic-PA, Inc., Pa. PUC Docket No. F-00231398 (1995), this Honorable Commission enter an Interim Order directing payment while the hearing in this matter is pending and authorizing PECO Energy Company to terminate service if Complainant fails to pay according to said Interim Order.

Respectfully submitted,



Priya Sankar
Attorney
Exelon Business Services Company
2301 Market Street, S23-1
P.O. Box 8699
Philadelphia, PA 19101-8699
215/841-6841
email: priya.sankar@exeloncorp.com

RECEIVED

NOV 07 2002

PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

CS17

PA PUBLIC UTILITY COMMISSION
BUREAU OF CONSUMER SERVICES
DECISION DATA

9/14/2002

BCS CASE NUMBER 1179966 BCS UTILITY CODE 0011

CUSTOMER NAME: WARREN D LEVY
ADDRESS 1845 WALNUT ST 24 FLOOR
PHILADELPHIA, PA 19103

DATE CASE CLOSED 9/14/2002
TOTAL/FINAL ACCOUNT BALANCE \$850.73
DATE OF ACCOUNT BALANCE 7/8/2002
NO 2'S (OFFS)
TO HAVE SERVICE RESTORED PAY \$0.00
NO 3'S (REMEDI)
TO KEEP SERVICE ON PAY THIS AMOUNT: \$0.00 BY
TERMS BEGINNING October 2002
SPECIAL BUDGET OR OPTIONAL PAYMENT AMOUNT \$232.00
REGULAR BUDGET AMOUNT \$192.00
PLUS PAYMENT TOWARD ARREARS \$40.00
FINAL BILL MONTHLY PAYMENT \$0.00
CURRENT BILL MONTHLY PAYMENT \$0.00
END OF MONTH PAYMENT \$0.00
10 DAY PAYMENT OR RECONNECT AMOUNT: \$0.00
BEGINNING WITH THE BILL DATED:
CUSTOMER WILL PAY CB PLUS \$0.00

PECO Exhibit #1

RECEIVED

INVESTIGATOR - RENEE MCCLINTON

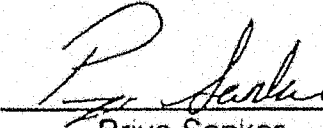
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PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

VERIFICATION

I, Priya Sankar, hereby declare that I am an attorney 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: November 8, 2002



Priya Sankar

RECEIVED

NOV 07 2002

PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

Warren D. Levy

v

PECO ENERGY COMPANY

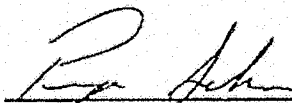
DOCKET NO. Z-01179966

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:

Warren D. Levy
1845 Walnut Street
24th Floor
Philadelphia, PA 19103

Dated at Philadelphia, Pennsylvania, November 8, 2002



Priya Sankar
Attorney
Exelon Business Services Company
2301 Market Street, S23-1
P.O. Box 8699
Philadelphia, PA 19101-8699
215/841-6841
email. priya.sankar@exeloncorp.com

RECEIVED

NOV 07 2002

PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU



COMMONWEALTH OF PENNSYLVANIA
PENNSYLVANIA PUBLIC UTILITY COMMISSION

Office Of Administrative Law Judge
P.O. Box 3265, Harrisburg, PA 17105-3265

IN REPLY PLEASE
REFER TO OUR FILE

December 2, 2002

In Re: Z-01179966

DOCKETED
DEC 04 2002

(See attached list)

Warren D. Levy v. PECO Energy Company

DOCUMENT
FOLDER

Requests payment arrangements.

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: Wednesday, January 29, 2003
Time: 10:00 a.m.
Presiding: Administrative Law Judge Debra Paist
P.O. Box 3265
Harrisburg, PA 17105-3265
Telephone: (717) 783-5452
Fax: (717) 787-0481

The judge will be presiding as authorized by Chapter §56.174 of the Pennsylvania Code.

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.

SRB

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

Warren D. Levy (215) 369-5426
Priya Sankar, Esquire (215) 841-6841

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 3 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:

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

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