

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

Neil H. Stein

v.

PECO Energy Company

DOCUMENT
FOLDER

Docket Number

Z-01182234

RTL

SECRETARY'S BUREAU

2003 JUN -6 PM 1:38

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PREHEARING ORDER

On March 21, 2003, I was assigned as the presiding officer in this case.

The purpose of this order is to bring to the attention of the parties certain procedural rules that apply to the participants in this proceeding. This case is scheduled to be heard in an available hearing room on the 13th floor of the Philadelphia State Office Building on Wednesday, June 18, 2003 at 10:00 a.m.

The Complainant alleged the following, among other things: that the Respondent failed to notify the Complainant that his service was scheduled for termination; that the Complainant's electric service was improperly terminated when the temperature was in the mid to high nineties; that the Respondent's employees failed to restore service even though they knew that a person with medical problems lived at the premises; that the Respondent deliberately terminated the electric service late in the afternoon to prevent the Complainant from having the service restored immediately after the alleged balance was paid in full; that the Respondent terminated the Complainant's service in the afternoon without proper notice and when no one was present; that the Respondent waited twenty hours to restore service although the bill was paid in full within two hours of the termination; that the Respondent improperly charged the Complainant a reconnection fee to restore the electric service; that the Respondent acted

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improperly when it refused to accept a call from the Complainant's physician; and that the "security deposit" is punitive and confiscatory. The Complainant requested remedies including: a written apology from the Respondent and a refund of the "security deposit" that the Respondent requested as a prerequisite to restoring the Complainant's electric service.

In its Answer, the Respondent denied the following: that it terminated the Complainant's service on July 1, 2002, without providing notice to the Complainant; that the service was terminated improperly; that the service was terminated during a heat wave; that it acted deliberately and maliciously; and that the security deposit was punitive and confiscatory. The Respondent stated that a ten day notice was mailed to the Complainant on June 17, 2002 and the Respondent attempted to call the Complainant on June 20, 2002 and June 21, 2002. The Respondent admitted that it restored service on July 2, 2002 around 2:36 p.m. The Respondent averred that it was following the guidelines set forth in the Pennsylvania Public Utility Code and PECO's Electric Service tariff when it requested a deposit of \$864.

The Complainant has the burden of proving that the allegations in the complaint are true. Section 332(a) of the Public Utility Code, 66 Pa. C.S. §332(a). The Complainant is required to pay the undisputed portion of the bill while this proceeding is pending.

The Respondent must submit the relevant account statement and the relevant BCS decisions.

I direct your attention to 52 Pa. Code § 5.322, which encourages participants to exchange information on an informal basis. It is the Commission's policy to encourage settlements. 52 Pa. Code § 5.231.

If you wish to offer documents into evidence during the hearing (i.e. letters, bills, canceled checks, receipts, account statements, etc.), please bring a copy for the presiding officer, two (2) copies for the Court Reporter and a copy for each party of record. Please keep a copy for yourself. 52 Pa. Code §5.409.

If you intend to subpoena witnesses for the hearing, you should review the procedures in the Commission's regulations at 52 Pa. Code §5.421. You must submit your written application to me in sufficient time to provide the witness with the required ten (10) days' notice to answer or object to the application and to give yourself enough time to receive the subpoena and serve it.

Pursuant to 52 Pa. Code §1.15(b), requests for postponements or continuance of hearings must be submitted in writing no later than five (5) days prior to the hearing. Requests for postponement or continuance of hearings are to be sent to the presiding officer with copies to the Scheduling Office and the other party of record. The address for the Scheduling Office is P.O. Box 3265, Harrisburg, Pennsylvania 17105-3265.

All witnesses should be prepared to testify during the June 18, 2003 hearing.

ORDER

THEREFORE,
IT IS ORDERED:

That the parties shall comply with the procedural rules and regulations
discussed herein.

June 3, 2003

Date

Cynthia Williams Fordham

CYNTHIA WILLIAMS FORDHAM
Administrative Law Judge

OALJ Hearing Report

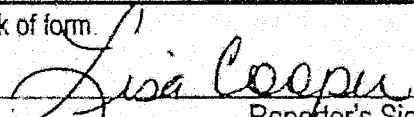
Please Check Those Blocks Which Apply

Docket No.:	Z-01182234	Prehearing Held:	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO
Case Name:	Neil H. Stein v. PECO Energy Company	Hearing Held:	<input type="checkbox"/> YES	<input checked="" type="checkbox"/> NO
Location:	Philadelphia, PA	Testimony Taken:	<input type="checkbox"/> YES	<input checked="" type="checkbox"/> NO
Date:	June 18, 2003	Transcript Due:	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO
ALJ:	Cynthia W. Fordham	Hearing Concluded:	<input type="checkbox"/> YES	<input checked="" type="checkbox"/> NO
Reporting Firm:	Precision Reporting, Inc.	Further Hearing Needed:	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO
<p style="text-align: center;">DOCUMENT FOLDER</p>		Estimated Add'l Days:	1 day	
		RECORD CLOSED:	<input type="checkbox"/> YES	<input checked="" type="checkbox"/> NO
BRIEFING		Briefs to be Filed:	<input type="checkbox"/> YES	<input type="checkbox"/> NO
<p style="text-align: center;">DOCKETED</p> <p style="text-align: center;">JUN 26 2003</p>		DATE:		
<p style="text-align: center;">03 JUN 25 11:30 BUREAU</p>		DATE:		
		Bench Decision:	<input type="checkbox"/> YES	<input type="checkbox"/> NO
		REMARKS:	Resubmitted 1 day Hearing in person. Precision filed instead of hearing (NOT on a Jewish holiday).	

PLEASE PRINT CLEARLY - Incomplete Information may result in delay of processing.

Name and Telephone Number	Address	Who are you representing?
Priya Sankar, Esq.	2301 Market St. S23-1 City: Philadelphia State: PA Zip: 19101	PECO Energy Company
Telephone: 215-841-6841	E-mail Address: priya_sankar@exelcor.com	Fax Number: 215 568-3389
Neil H. STEIN	1101 MARICET ST City: PHILA State: PA Zip: 19107	PRO SE RJF
Telephone: 215 927 5700	E-mail Address:	Fax Number: 215 922 7568
Telephone:	E-mail Address:	Fax Number:

Check this box if additional parties or attendees appear on back of form.


 Reporter's Signature



COMMONWEALTH OF PENNSYLVANIA
PENNSYLVANIA PUBLIC UTILITY COMMISSION

PLEASE DOCKET

PHILADELPHIA STATE OFFICE BUILDING
1400 SPRING GARDEN STREET
PHILADELPHIA, PENNSYLVANIA 19130

October 1, 2003

IN REPLY PLEASE
REFER TO OUR FILE

DOCUMENT
FOLDER

Neil H. Stein, Esquire
Stein & Glazer
Aramark Tower Suite 2626
1101 Market Street
Philadelphia, PA 19107

Priya Sankar, Esquire
PECO Energy Company
2301 Market Street
P O Box 8699
Philadelphia, PA 19101-8699

Re: Neil H. Stein v. PECO Energy Company
Docket Number Z-01182234

Dear Parties:

During the June 18, 2003 prehearing conference, we discussed discovery and subpoenas. I trust that the parties have completed the discovery process without any problems.

I have requested that a one day in person hearing be scheduled in this matter. The hearing notice will be sent from the Harrisburg office.

DOCKETED

OCT 17 2003

Sincerely,

Cynthia Williams Fordham

Cynthia Williams Fordham
Administrative Law Judge

cc: Docket Section
Susan Licon, Scheduling Unit

RJF



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

October 10, 2003

In Re: Z-01182234

(See letter of 3-21-03)

DOCUMENT
FOLDER

Neil H. Stein v. PECO Energy Company

Service dispute.

Hearing Notice

This is to inform you that a hearing on the above-captioned case will be held as follows:

Type: Initial Hearing

Date: Thursday, January 29, 2004

Time: 10:00 a.m.

Location: In an available hearing room
Philadelphia State Office Building
Broad and Spring Garden Streets
Philadelphia, Pennsylvania

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

DOCKETED
OCT 16 2003

RJP

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:

- 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
Susan Licon
Beth Plantz
Docket Section
Calendar File



COMMONWEALTH OF PENNSYLVANIA
PENNSYLVANIA PUBLIC UTILITY COMMISSION

PHILADELPHIA STATE OFFICE BUILDING
1400 SPRING GARDEN STREET
PHILADELPHIA, PENNSYLVANIA 19130

IN REPLY PLEASE
REFER TO OUR FILE

January 14, 2004

DOCKETED

FEB 19 2004

Neil H. Stein, Esquire
Stein & Glazer
Aramark Tower Suite 2626
1101 Market Street
Philadelphia, PA 19107

Priya Sankar, Esquire
PECO Energy Company
2301 Market Street
P.O. Box 8699
Philadelphia, PA 19101-8699

Re: Neil H. Stein v. PECO Energy Company
Docket Number Z-01182234

DOCUMENT

Dear Parties:

This is a reminder that the hearing in this matter is scheduled to be held on January 29, 2004 in the Philadelphia State Office Building. I trust that the parties have completed the discovery process without any problems.

Sincerely,

Cynthia Williams Fordham

Cynthia Williams Fordham
Administrative Law Judge

cc: Docket Section

OALJ Hearing Report

Please Check Those Blocks Which Apply

Docket No	Z-01182234	YES	NO
Case Name	Neil H. Stein v PECO Energy Company	Prehearing Held:	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO
Location:	Philadelphia, PA	Hearing Held:	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO
Date	January 29, 2004	Testimony Taken:	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO
ALJ	Cynthia W. Fordham	Transcript Due:	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO
Reporting Firm	Commonwealth Reporting	Hearing Concluded:	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO
		Further Hearing Needed:	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO
		Estimated Add'l Days:	
		RECORD CLOSED:	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO
		DATE:	2/19/04
		Briefs to be Filed:	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO
		DATE:	
		Bench Decision:	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO
		REMARKS	Record will close 2/19/04 date the transcript is due.

DOCUMENT FOLDER

COMMONWEALTH REPORTING
 PHILADELPHIA, PA

PLEASE PRINT CLEARLY - Incomplete Information may result in delay of processing.

Name and Telephone Number	Address	Who are you representing?
Priya Sankar, Esq	2301 Market St. 523-1 City: Philadelphia State: PA Zip: 19103	PECO Energy Company
Telephone: 215 841-6841	E-mail Address: priya.sankar@exelon.com	Fax Number: 215-568-3389
Neil H. Stein, Esq	1101 MARKET ST, #2626 City: State: Zip:	PRO SE
Telephone: 215 627 5700	E-mail Address: SHALIEN@AOL.COM	Fax Number: 215 922 7568
Telephone:	E-mail Address:	Fax Number:

Check this box if additional parties or attendees appear on back of form

Reporter's Signature

Legal Department

Telephone 215.841.5544

OFFICE www.exeloncorp.com

Business Services
Company

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

04 MAY -7 AM 9:04

PA PUC

COPY

Direct Dial: 215 841 5974
May 5, 2004

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

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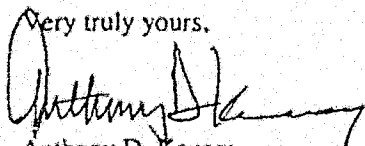
RE: Entry of Appearance and Withdrawal of Appearance

Dear Mr. McNulty,

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

<u> X </u>	Entry and Withdrawal of Appearance (original and 3 copies)
<u> </u>	Answer (original and 3 copies)
<u> </u>	Petition (original and 3 copies)
<u> </u>	Answer and Motion (original and 3 copies)
<u> </u>	Motion/Petition (original and 3 copies)
<u> </u>	Reply to Motion/Petition (original and 3 copies)
<u> </u>	Exceptions (original and 9 copies)
<u> </u>	Reply Exceptions (original and 9 copies)
<u> </u>	Brief (original and 9 copies)
<u> </u>	Reply Brief (original and 9 copies)

Also enclosed is an extra copy of this letter which I request that you date stamp and return to me in the envelope provided as proof of filing. I have enclosed a Certificate of Service showing that a copy of the above document was served on the interested parties.

Very truly yours,

Anthony D. Kanagy
Counsel for PECO Energy Company

Enclosures

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MAY - 5 2004

PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

RECEIVED
OFFICE OF GEN. L.J.
04 MAY - 7 AM 9:04

PA PUC

v.

DOCKET NOS. [See Attachment A]

PECO ENERGY COMPANY

DOCUMENT
FOLDER

WITHDRAWAL OF APPEARANCE

TO THE PROTHONOTARY:

Please withdraw my appearance on behalf of Defendant PECO Energy Company in all the matters listed in Attachment A.

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MAY - 5 2004

PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU


Priya Sankar, Esq.

DOCKETED
MAY 17 2004

ENTRY OF APPEARANCE

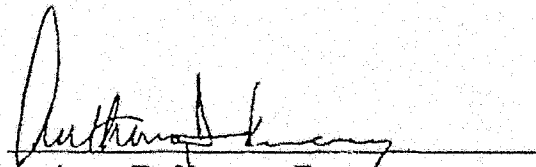
TO THE PROTHONOTARY:

Please enter my appearance on behalf of Defendant PECO Energy Company in all the matters listed in Attachment A. On the basis of this notice, I request a copy of each document hereafter issued by the Commission in this matter.

RECEIVED

MAY - 5 2004

PA PUBLIC UTILITY
SECRETARY'S B.


Anthony D. Kanagy, Esq.
Counsel for PECO Energy Company
2301 Market Street, S23-1
P.O. Box 8699
Philadelphia, PA 19101-8699
215-841-5974

Complainant's Name	Docket Number
DONNA FOSTER	F-01522654
EDNA SHELLEY	F-01563738
MICHAEL D MC NAMARA	F-01573442
THEODORE CHUPP	Z-00933696
VALISSA JARMON	Z-00942308
WALTER J FALVEY	Z-00946507
CHRISTY JACKSON	Z-00958616
MICHAEL GALLAGHER	Z-00968224
WANDA JACKSON	Z-00989568
ANTHONY PELOSI	Z-01021410
ALZINA ARMSTRONG	Z-01021504
CYPRIAN ANYANWU	Z-01027507
JEANINE GIBBS	Z-01030708
RICHARD A SYLK	Z-01063859
JOSEPH WEST	Z-01093082
ROBIN A SMITH	Z-01127006
JILL RITSKY	Z-01152692
DIANE DICKEY	Z-01166506
LADONNIA M SMALLS	Z-01172975
NEIL H STEIN	Z-01182234
SCOTT HARTMAN	Z-01216107
BEVERLY RENSHAW	Z-01232832
LYNDEL WOOD	Z-01233128
PENNY WILLIAMS	Z-01246448
DAWN WILSON	Z-01251202
ELAINE LARSON	Z-01265985
PAULINE MC GURN	Z-01297847
WILLIAM DENNIS	Z-01311464
THOMAS VICKREY	Z-01312517
MARYJANE MAGEE	Z-01316427
THERESE GOLDEN	Z-01320053
DONNA L PRESOCK	Z-01325366