

CAPTION SHEET

CASE MANAGEMENT SYSTEM

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: 10/12/04
 8. DCCKET NO: Z-01717799 : 9. EFFECTIVE DATE: 00/00/00

PARTY/COMPLAINANT: BACON, DANIEL

RESPONDENT/APPLICANT: PECO ENERGY COMPANY

COMP/APP COUNTY:

UTILITY CODE: 110550

ALLEGATION OR SUBJECT

COMPLAINANT STATES HE CAN NOT PAY THE LUMP SUM OF \$649, HE CAN PAY THE \$52 PER MONTH.

DOCUMENT
FOLDER

DOCKETED
OCT 27 2004

ORIGINAL

20th OCT '2
SECRET

Pennsylvania Public Utility Commission

Formal Complaint Form

Please Print.

Z-01717799

- 1. Your name, mailing address, telephone number and utility account number:

Name Daniel Bacon

Street/P.O.Box 614 South 9th St Apt# 2F

City Phila State PA Zip 19147

Area Code/HOME Phone 215 668 6493 Area Code/WORK Phone Same

Utility Account Number 210772004482

If the above mailing address differs from the address where the utility service is provided, list this information below.

Name

Street/P.O. Box

City State Zip

- 2. Name of utility company your complaint concerns: Peco

- 3. Type of Utility (circle one):

GAS

WATER

MOTOR CARRIER

STEAM HEAT

ELECTRIC

SEWER

TELEPHONE -- (LOCAL OR LONG DISTANCE)

- 4. What is your complaint? (Use additional paper if you need more space and provide copies of any relevant documentation you believe will support your complaint).

I can not pay the lump sum of 649.00. I can pay the \$52.00 per month as said by my cap rate

66

NOTIFICATION OF INTENT TO APPEAL
(Request for Formal Complaint Forms)

*Forms Sent
9/12/04*

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 8/12/2004. 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.)

DANIEL BACON
614 S 9TH ST
APT 5
PHILADELPHIA PA 19147 - 2028

215 668 6493
(Area Code) Telephone Number

Daniel Bacon
Signature

Mail this completed form to:

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

ST Number.	1717799	Date of mailing.	8/12/2004
Company:	PECO ENERGY		

AUG 5 2004
PA PUBLIC UTILITY
SECRET

70

BEFORE THE PENNSYLVANIA PUBLIC UTILITY COMMISSION

DATE SERVED: OCTOBER 28, 2004

DANIEL BACON

Complainant

VS.

PECO ENERGY COMPANY

Respondent

Complaint Docket
No: Z-01717799

DOCUMENT
FILED

FORMAL COMPLAINT NOTICE TO RESPONDENT TO ANSWER OR SATISFY

TO: PECO ENERGY COMPANY

DOCKETED
OCT 27 2004

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,

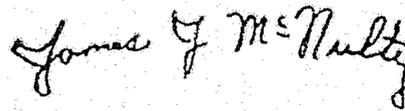
1. You have twenty (20) days from the date on which this complaint is served to either satisfy this complaint or to file with the Secretary of the Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, an answer (original and three copies), in writing, under oath, which, as 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: OCTOBER 28, 2004

Z-01717799

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

DOCUMENT
FILED

Dear Sir/Madam:

A complaint has been filed against you before the Pennsylvania Public Utility Commission by DANIEL BACON. 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.

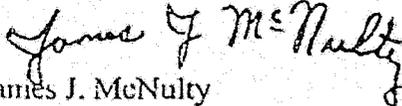
OCTOBER 28, 2004

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

Legal Department

Exelon Business Services Company
2301 Market Street/ 523 1
PO Box 8699
Philadelphia, PA 19107-8699

Telephone 215 841 5544
Fax 215 568 3389
www.exeloncorp.com

Business Services
Company

ORIGINAL

Direct Dial: 215 841 6841

November 15, 2004

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

RECEIVED

NOV 15 2004

RE: Daniel Bacon v. PECO Energy Company
Docket No. Z-01717799

PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

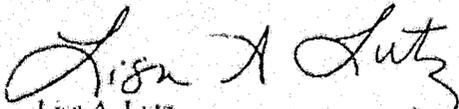
Dear Mr. McNulty:

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

<u> X </u>	Answer (original and 3 copies)
_____	Petition (original and 3 copies)
_____	Answer and Motion (original and 3 copies)
_____	Motion/Petition (original and 3 copies)
_____	Reply to Motion/Petition (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)

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,


Lisa A. Lutz
Counsel for PECO Energy Company

DOCUMENT
FOLDER

LAL/zr

Enclosures

ORIGINAL

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

DANIEL BACON

v.

PECO ENERGY COMPANY

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:
:

DOCKET NO. Z-01717799

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

RECEIVED

NOV 15 2004

PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

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 \$1,415.01. The Complainant's average monthly bill is currently \$37.00 and Complainant's calculated budget payment is currently \$47.00. The Complainant is enrolled in the CAP Rate Program and receives a 25% discount on the first 500 kilowatts of electric service. On September 17, 2004, Complainant received a CAP charge off in an amount of \$1,586.57. Complainant's only payment, to date in 2004, was on May 10, 2004 in an amount of \$50.00.

DOCKETED
NOV 30 2004

**DOCUMENT
FOLDER**

A decision of the Bureau of Consumer Services ("BCS") issued on or about August 12, 2004 required the Complainant to pay \$649.00 by September 4, 2004 and then to pay a \$37.00 budget payment plus \$15.00 per month toward the arrears beginning October 1, 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.

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

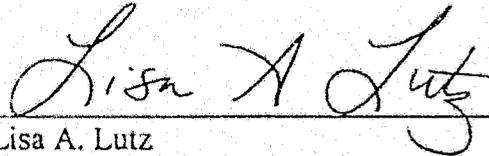
WHEREFORE, PECO Energy Company respectfully requests that your Honorable Commission dismiss the instant Complaint or remove the automatic stay on the payment arrangement set forth under the Bureau of Consumer Services decision and authorize PECO Energy Company to terminate service if said payment is 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

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NOV 15 2004
PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

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,



Lisa A. Lutz

Counsel for PECO Energy Company

2301 Market Street, S23-1

P.O. Box 8699

Philadelphia, PA 19101-8699

Direct Dial: 215.841.6841

Fax: 215.568.3389

Lisa.Lutz@exeloncorp.com

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

DANIEL BACON

v.

PECO ENERGY COMPANY

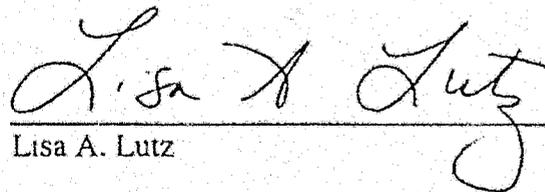
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DOCKET NO. Z-01717799

VERIFICATION

I, Lisa A. Lutz, 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: November 15, 2004



Lisa A. Lutz

Date 11/5/04

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

Case Number: 1717799
Customer Name: DANIEL BACON
Address: 614 S 9TH ST
APT 5
PHILADELPHIA PA 19147-2028

Opened On: 7/13/04
Utility Type: Electric Distributor
Account Number: 210772004482
Company Name: PECO Energy

Prior Case: Total Balance: \$2,847.81 Balance Date: 7/22/04

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

Decision Issued: Y Oral Written: W
Investigator: KWIATKOWSKI JOSHUA PUC Decision Issued Dt: 8/12/04 PUC Case Closed Dt: 8/12/04
Decision Recvd Dt: 9/15/04 08 31AM

Letter Description: CAP PARTIAL CATCH-UP

To Restore Service Pay: \$0.00 To Continue Service Pay: \$649.00 By: 9/4/04
Terms: OCTOBER 2004
Special Budget Amount: \$52.00 Regular Budget Amount: \$37.00 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:
SEE CS17 FOR TERMS OF PAR

Exhibit "A"

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

DANIEL BACON

v.

PECO ENERGY COMPANY

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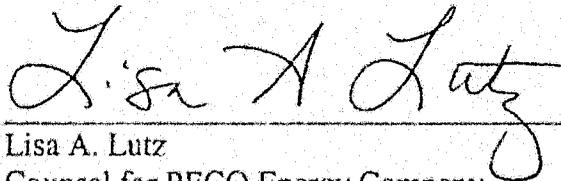
DOCKET NO. Z-01717799

CERTIFICATE OF SERVICE

I, Lisa A. Lutz, 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:

Daniel Bacon
614 So. 9th Street
Apt. 2F
Philadelphia, PA 19147

Dated at Philadelphia, Pennsylvania, November 15, 2004



Lisa A. Lutz
Counsel for PECO Energy Company
2301 Market Street, S23-1
P.O. Box 8699
Philadelphia, PA 19101-8699
Direct Dial: 215.841.6841
Fax: 215.568.3389
Lisa.Lutz@exeloncorp.com