

CAPTION SHEET

CASE MANAGEMENT SYSTEM

1. REPORT DATE: 00/00/00
 2. BUREAU: ALJ
 3. SECTION(S):
 4. PUBLIC MEETING DATE: 00/00/00
 5. APPROVED BY:
 DIRECTOR:
 SUPERVISOR:
 6. PERSON IN CHARGE:
 7. DATE FILED: 05/14/04
 8. DOCKET NO: Z-01638460
 9. EFFECTIVE DATE: 00/00/00

PARTY/COMPLAINANT: SELIG, JOHN W.

RESPONDENT/APPLICANT: PECO ENERGY COMPANY

COMP/APP COUNTY: DELAWARE

UTILITY CODE: 110550

ALLEGATION OR SUBJECT

COMPLAINANT STATES THAT HIS THE \$1,000.00 DOWN PAYMENT IS TO EXCESSIVE FOR HIM. WOULD LIKE TO PAY \$15.00 ON TOP OF HIS REGULAR BILL UNTIL THE DOWN PAYMENT IS REACHED.

DOCKETED
JUN 11 2004

DOCUMENT
FOLDED

ORIGINAL

110550
FORMAL COMPLAINT FORM
Pennsylvania Public Utility Commission

Please Print:

1. Your Name, Mailing Address and Telephone Number.

Name John W. Selig
Street/P.O. Box 211 Hazaretto Rd Apt.# T-49A
City Prospect Park State Pa Zip 19076
County Delaware Home Telephone-Area Code (610) 529-4143
Work Telephone-Area Code ()

SECRET

2. Name of Company your complaint concerns: Peco

3. What is your complaint?

The monthly terms that have been suggested would be paid without any great hardship. The problem is the 1000⁰⁰ down payment. That is an unattainable amount to ask for at this time. The monthly payment of 117⁰⁰ is to be paid, could it not be worked out that I pay an additional 15⁰⁰ towards the 1000⁰⁰ amount? That is what we are pleading with you for.

(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?

I respectfully appreciate all that you are doing for me.

Respectfully
John W. Selig

(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.

x John W. Selig
Original Signature of complaining person

5/11/04
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 4/21/2004. 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.)

JOHN W SELIG
211 LAZARETTO RD
APT 9A
PROSPECT PARK PA 19076 - 1810

610-529-4143
(Area Code) Telephone Number

John W. Selig
Signature

Mail this completed form to:

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

ST Number:	1638460	Date of mailing:	4/21/2004
Company:	PECO ENERGY		

RECEIVED BY BUREAU
APR 21 9:45

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INFORMAL COMPLAINT DECISION
BUREAU OF CONSUMER SERVICES, RESIDENTIAL TERMINATION UNIT
THE PENNSYLVANIA PUBLIC UTILITY COMMISSION

Date: 4/21/2004

JOHN W SELIG
211 LAZARETTO RD
APT 9A
PROSPECT PARK PA 19076 - 1810

S.T. No: 1638460

V.

Acct. No: 501009758043

PECO ENERGY

When you contacted the Bureau of Consumer Services on 4/14/2004, we put a temporary hold on the termination of your service. The company has informed us that you are enrolled in their Customer Assistance Program (CAP) called CAP RATE. Because you have missed CAP RATE payments, you must now pay according to this decision.

- Your account balance is \$4,209.51. This balance does not include any payments or bills sent out on or after 4/19/2004.
- In order to keep your service on, you must pay the company \$1,000.00 by 5/12/2004.
- Then, beginning June due date pay a monthly CAP RATE amount of \$117.00. This includes a regular CAP RATE payment amount of \$102.00 plus \$15.00 that must be paid until your CAP RATE agreement is current. This amount may change according to the company's PUC approved guidelines for this program.
- You must make all payments by the due date of each month's bill and continue making the payments until you pay the account in full.
- The company will not charge late payment fees to your account as long as you pay according to this decision. However, the company may apply late payment fees if you do not pay on time or you do not keep this agreement.

You are advised to contact the Department of Public Welfare and other available social agencies for financial energy assistance.

JOSHUA KWIATKOWSKI
Investigator



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

5/25/04

IN REPLY PLEASE
REFER TO OUR FILE

MAY 5, 2004

ST1638460

JOHN W SELIG
211 LAZARETTO RD APT 9A
PROSPECT PARK PA 19076-1810

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 May 25, 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:

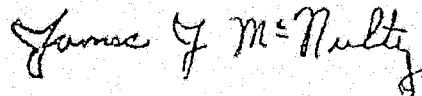
Office of Administrative Law Judge
Public Utility Commission
P.O. Box 3265
Harrisburg, PA 17105-3265

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 Company

BEFORE THE PENNSYLVANIA PUBLIC UTILITY COMMISSION

DATE SERVED: 06/11/04

John W. Selig

Complainant

VS.

PECO ENERGY COMPANY

Respondent

Complaint Docket
No: Z-01638460

DOCUMENT
FILED
DOCKETED
JUN 11 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,

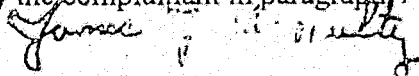
1. You have twenty (20) days from the date on which this complaint is served to either satisfy this complaint or to file with the Secretary of the Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, an answer (original and three copies), in writing, under oath, which, as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

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

DATE SERVED: 06/11/04

Z-01638460

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

DOCUMENT
FOLDED

Dear Sir/Madam:

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

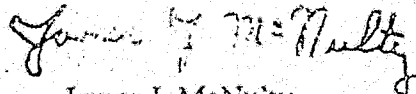
06/11/04

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,



James J. McNulty
Secretary

es

Legal Department

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

Telephone 215.841.5544
www.exeloncorp.com

Business Services
Company

ORIGINAL

Direct Dial: 215.841.5974

Fax: 215.568.3389

June 29, 2004

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

RECEIVED

JUN 29 2004

PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

Re: **John W. Selig v. PECO Energy Company**
Docket No. Z-01638460

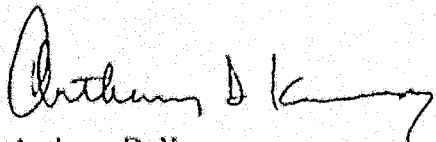
Dear Mr. McNulty:

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

JUN 29 2004

PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

Enclosures
cc: All Parties

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**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

JUN 29 2004

JOHN W. SELIG

PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

v.

DOCKET NO. Z-01638460

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 \$3,319.51. This balance accumulated over several years. The Complainant's average monthly bill is currently \$91.00 and Complainant's calculated budget payment is currently \$102.00. The Complainant is enrolled in the CAP Rate Program and receives a 25% discount on the first 500 kilowatts of electric service. On May 18, 2004, Complainant received a CAP charge off in an amount of \$928.43. Over the past twenty-one (21) months, Complainant has made only six (6) payments. Complainant's last payment was made on June 4, 2004 in an amount of \$117.00.

A decision of the Bureau of Consumer Services ("BCS") issued on or about April 21, 2004 required the Complainant to pay \$1,000.00 by May 12, 2004 and then to pay a \$102.00 budget payment plus \$15.00 per month toward the arrears beginning June 2004. The Complainant has not complied with the BCS decision. A copy of the BCS decision is attached as Exhibit A.

DOCKETED
JUL 02 2004

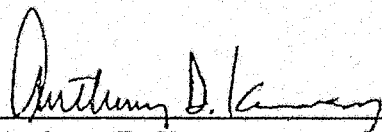
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PECO Energy is without sufficient knowledge to either confirm or deny the remaining statements of this Complainant. Therefore PECO Energy denies all such averments.

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 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(c); 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

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

JOHN W. SELIG

v.

PECO ENERGY COMPANY

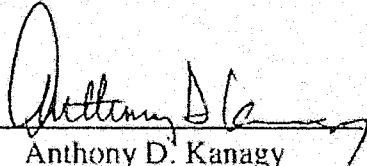
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DOCKET NO Z-01638460

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: June 29, 2004



Anthony D. Kanagy

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

JOHN W. SELIG

v.

PECO ENERGY COMPANY

DOCKET NO. Z-01638460

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 thereof Certified mail, properly addressed and postage prepaid to:

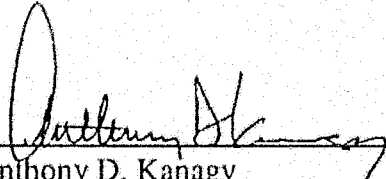
John W. Selig
211 Lazaretto Rd
9-A
Prospect Park, PA 19076

Dated at Philadelphia, Pennsylvania, June 29, 2004

RECEIVED

JUN 29 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

