

BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION

Samuel M. Rubino

v.

PECO Energy Company  
and  
PEPCO Energy Services, Inc., d/b/a  
Power Choice (Joined as an Indispensable  
Party)

C-20030117

**DOCKETED**  
DEC 01 2004

ORDER REOPENING THE PROCEEDING AND JOINING PEPCO ENERGY  
SERVICES, INC., d/b/a POWER CHOICE AS AN INDISPENSABLE PARTY

HISTORY OF THE PROCEEDING

**DOCUMENT  
FOLDER**

On April 18, 2003, Samuel M. Rubino (Complainant) filed a formal complaint (Complaint) against PECO Energy Company (PECO) with the Pennsylvania Public Utility Commission (Commission). Complainant alleged that his electric generation supplier (EGS) was switched from PECO to Power Choice<sup>1</sup> without his authorization. Complainant requested either a refund of the monies that he paid to Power Choice or a credit of that amount to his account with PECO.

On June 16, 2003, PECO filed an Answer to the Complaint denying that it had switched Complainant to another EGS without his permission. Respondent requested that the Complaint be dismissed.

By Telephone Hearing Notice dated February 19, 2004, this case was assigned to me and a hearing was scheduled for April 15, 2004. The telephonic hearing was held as

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<sup>1</sup> Pepco Energy Services, Inc., d/b/a Power Choice

scheduled. Both parties appeared for the telephonic hearing. The record closed on May 17, 2004.

### DISCUSSION

PECO's witness testified that PECO switched Complainant's EGS service to Power Choice on July 11, 2000, after: (1) receiving an electronic file from Power Choice on June 26, 2000, that stated that Complainant had contracted with Power Choice; and (2) not receiving a response within ten days from Complainant to the confirmation letter that PECO mailed to him on June 26, 2000. (Tr. 29, 32). PECO's witness also testified that Complainant contacted PECO on February 20, 2001, and stated that he had not contracted with Power Choice to provide his EGS service. (Tr. 32-33). PECO's witness further testified that it consequently initiated an investigation into the matter on February 20, 2001, by sending a letter to Power Choice asking it for information regarding its contract with Complainant. (Tr. 32-33). According to PECO's witness, however, Power Choice never responded to its inquiry, and PECO closed its investigation on March 16, 2001. (Tr. 32-33). PECO's witness testified that PECO served as Power Choice's billing agent for Complainant's account from July 11, 2000 to March 12, 2001. (Tr. 29).

Commission regulations provide that the presiding officer may reopen the proceeding if the public interest requires it. See, 52 Pa. Code §5.571(d). And case law provides that, "an indispensable party is one whose rights are so connected with the claims being litigated that he must be a party to the lawsuit to protect his rights, and that no decree can be made without impairing those rights. R. Edwards Woods, et al. v. United Telephone Co. of Pa., C-903207, 1991 Pa. PUC LEXIS 4 at 2 (March 1, 1991); Nudi v. Township of Pine, 92 Pa. Commw. 32, 498 A.2d 55, 56 (1985); Columbia Gas Transmission Corp. v. Diamond Fuel Co., 464 Pa. 377, 346 A.2d 788, 789 (1975).

In the present case, it is necessary and in the public interest to reopen the proceeding, and to join Pepco Energy Services, Inc., d/b/a Power Choice as a respondent. Power

Choice is the entity that Complainant was switched to for electric generation supply allegedly without his permission.

Therefore, this proceeding is reopened and Pepco Energy Services, Inc., d/b/a Power Choice is joined as an indispensable party to this case. A copy of Complainant's Complaint as well as PECO's Answer are attached to this Order. Counsel for Pepco Energy Services, Inc., d/b/a Power Choice is directed to file with the Commission and serve on me and the parties, an answer to the Complaint and response to PECO's Answer and the testimony referenced herein, within 30 days after the date of this Order. A prehearing conference and/or further hearing may be scheduled in this case if I deem it necessary.

ORDER

THEREFORE,

IT IS ORDERED:

1. That the proceeding at docket number C-20030117 is reopened.
2. That Pepco Energy Services, Inc., d/b/a Power Choice is joined as an indispensable party to the proceeding. That Pepco Energy Services, Inc. d/b/a Power Choice is represented by:

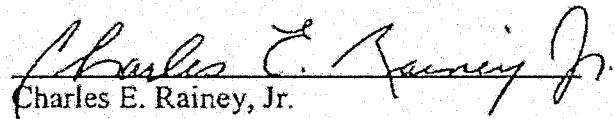
Mark Krumm, Esquire  
2000 K Street, N.W.  
Suite 750  
Washington, DC 20006

Glen Simpson  
1300 N. 17<sup>th</sup> Street  
Suite 1600  
Arlington, VA 22209

3. That Pepco Energy Service, Inc., d/b/a Power Choice shall file with the Commission and serve on the other parties and the presiding officer, an answer to the Complaint and a response to the Answer of PECO Energy Company and the testimony referenced in this Order, within 30 days after the date of this Order. (Copies of the Complaint and PECO Energy Company's Answer are attached to this Order.)

4. That the caption in this case be amended to include Pepco Energy Services, Inc., d/b/a Power Choice as a respondent along with PECO Energy Company.

5. That Pepco Energy Services, Inc., d/b/a Power Choice be added to the service list in this case.

  
Charles E. Rainey, Jr.  
Administrative Law Judge

Date: September 21, 2004

**ATTACHMENTS**

**COPY**

C-2003011  
110550

RECEIVED  
OFFICE OF C.A.L.J.  
03 MAY 22 AM 9:38  
PA PUC

Formal Complaint Form  
Pennsylvania Public Utility Commission

Please Print: (you may also type your answers directly onto the form as it appears on your screen)

1. Your name, mailing address and telephone number:

Name Samuel M. Rubino

Street/P.O.Box #4 Rustic Lane Apt # ---

City Malvern State Pa. Zip 19355

County County Area Code/Home Phone (610) 644-3229

Area Code/Work Phone ---

2. Name of company your complaint concerns: PECO

3. What is your complaint? (Use additional paper if need more space).

Please refer to my letter to the P.U.C.  
dated April 11, 2003

4. What do you want the Public Utility Commission to do about your complaint?  
(Use additional paper if need more space).

Please refer to my letter to the P.U.C.  
ated April 11, 2003

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.

Sam Rubino  
Signature

4-14-2003  
Date

SECRETARY'S BUREAU  
P.U.C.

Continued on next page

2003 APR 18 AM 10:02

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3

March 5, 2001

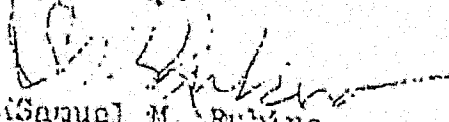
P.E.C.O. Energy  
2301 Market St.,  
Philadelphia, Pa. 19101

RE: Acct. #75-07-42-584017

On Feb. 20, 2001 I called PECO office and <sup>to</sup> spoke ~~with~~ a clerk by the name of Lisa. I informed her that I never signed up with Powerchoice and that the only other one I had signed up with was Connective until they informed me some six month's ago they were not going to be able to take care of us and would therefore had to discontinue us. At that time, I called Powerchoice and told them I would sign up with them. However, ~~the very next day~~ I called them back and told them to remove my name with them. They confirmed and said that it would be taken care of. Consequently, I refuse to pay Powerchoice any further money. PECO nor Powerchoice has any evidence to the contrary. If your office or Powerchoice has any evidence for them to collect money for energy thru your office, I insist that you please present me with the evidence. Furthermore, Powerchoice, thru PECO, has illegally collected money from me. For instance, on Jan. 3, 2001 my check No. 3134 shows I paid Powerchoice \$161.68. On Feb. 2, 2001, my check No. 3151 shows I paid Powerchoice \$367.97. On March 5, 2001, my check No. 3172 I paid PECO \$173.82 and on that statement Powerchoice charge for \$256.69 was turned down by me. Accordingly, PECO collected \$529.65 for Powerchoice, plus any other past months. PECO has no right to collect this money from me for Powerchoice. Therefore, I am demanding that everything that PECO has collected from me to pay Powerchoice be returned to me or extend a credit to me for my future energy use thru PECO.

Please acknowledge as soon as possible.

Very truly,

  
Samuel M. Rubino,  
6 Rustic Lane,  
Malvern, Pa. 19365



An Exelon Company

Customer Service Center

Telephone 215 841 4000  
www.exeloncorp.comPECO Energy Company  
2301 Market Street N4-3  
PO. Box 8699  
Philadelphia, PA 19101-8699**UTILITY COMPANY REPORT****To file a Complaint**

If you do not agree with this report you may file a Complaint with the Public Utility Commission (PUC). You may file a complaint by calling the PUC at 1-800-692-7380 or by writing to the following address:

Pennsylvania Public Utility Commission  
P. O. Box 3255  
Harrisburg PA 17105-3255  
Attention: Service Termination Mediation Unit

To protect your rights your complaint should be filed within 10 days of the date on this report and should include the following information:

1. Your name.
2. Your address.
3. The address where this service is being used.
4. Your account number.
5. Our name, PECO Energy Company.
6. A brief statement of the problem.
7. Whether a Complaint about this problem was filed with the PUC before.
8. Whether the problem was investigated and reported on by us before.
9. The shut-off date if any.
10. How you would like the problem to be solved.

If you file a complaint and do the things the PUC tells you to do, we will not shut off your service while they are handling your complaint.

**PECO ENERGY COMPANY**

If you need to talk to us, please call 1-800-494-4000, between 7:00 a.m. and 8:00 p.m., Monday through Friday, and between 9:00 a.m. and 1:00 p.m. on Saturday.

PECO Energy Company's Business Office hours are Monday through Friday, from 8:30 a.m. to 5:00 p.m. Our Business Office is located at:

2301 Market Street, Philadelphia, PA 19101

April 11, 2003

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

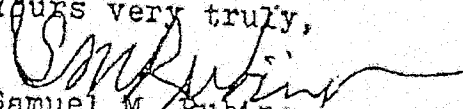
Re: Formal Complaint

I respectfully wish to call your attention dated March 5, 2001. My complaint to PECO Energy is altogether explained in this letter. As you will notice in my letter to PECO that I called Powerchoice and that the following day called them right back to remove my name with them. This was all done by telephone and was told that my name was removed. I never signed any type of agreement regarding this matter. A PECO representative called me back on the phone and was told to file my complaint with the P.U.C. of Pennsylvania. I filed my complaint with your office on/or about March 30, 2001.

To this day, PECO has never reimbursed me for any of the money they collected from me for Powerchoice. And currently PECO current monthly Statements continue to show that I owe a balance of \$675.95 to someone. Who, I don't know. However, in early March 2001, PECO representative called me back and was told for me to pay on the PECO charges only.

I would like the PUC to have PECO reimburse me for the money I paid to Powerchoice and to stop showing a balance on my current charges. I have been purchasing power from PECO some sixty years. I have never given them a late or past/due charge for my electricity. I am presently a senior citizen and eighty-four years of age and on a fixed income. PECO or Powerchoice owes me some money. And the current balance on PECO monthly statements could never be clarified by them. All that I was told to do by them was to pay the PECO charges only and disregard the balance. They were never able to satisfy me who the balance was owed to. I wish your office could clarify all this for me.

Yours very truly,

  
Samuel M. Rubino,  
4 Rustic Lane,  
Malvern, Pa. 19355.

Phone (610) 644-3229

Encl:

A copy of PECO monthly bill showing Powerchoice charges. To learn more, I strictly call your attention to PECO my letter to them dated March 5, 2001

FEB. 23. 2004 9:58AM

ADMIN. LAW JUDGE - Hbg, Pa. 23721

NO 011-rrt, 6/04/01-888-  
Jae, 782-346

MARCH 3<sup>rd</sup>



Customer Service Center

Telephone 215 841 4000  
www.exeloncorp.com

An Exelon Company

Called on 4-17-01 "Luquita" name,

PECO Energy Company  
1301 Market Street, N4-3  
PO. Box 8699  
Philadelphia, PA 19101-8699

03/16/2001

Samuel Rubino  
4 Rustic La  
Malvern Pa 19355

Dear Customer:

You contacted our office on 02/20/2001 to tell us that you did not authorize a change to Pepco Svc, Inc as your electric generation supplier. PECO Energy Co. opened an investigation of your complaint. On 02/23/2001 we sent a request for information to Pepco Svc, Inc. To date we have not received a response from Pepco Svc, Inc and unfortunately cannot assist you in resolving this matter.

The supplier charges for the period from 07/12/2000 to 02/12/2001 were \$1091.03. As you requested, PECO now provides your electricity. The balance due on your account is \$139.44 and is due by 04/04/2001.

The investigation is being closed at this time. If you have any questions or would like to make payment arrangements, please contact us at 1-800-494-4000. Your satisfaction on this matter is very important to us.

Cordially,

PECO Energy Company  
Customer Service



# YOUR MONTHLY BILL

An Exelon Company

Your Account Number Is: 35-07-42-884017

Your Next Scheduled Meter Reading:  
April 10, 2001

Service To: SAMUEL RUBINO  
4 RUSTIC LA  
MALVERN PA 19355-2968

If you have Any Questions or Concerns, Call  
PECO Energy at: 1-800-494-4000 Before the  
Due Date between 7 A.M. and 8 P.M. Mon - Fri,  
on Sat between 9 A.M. - 1 P.M.; or write P.O.  
Box 8699, Phila., PA 19101.  
Si tiene alguna pregunta o queja, llame al  
1-800-494-4000 antes de la fecha vencida.

Billing Date: March 14, 2001

<b>Billing For Your Energy Use:</b>	
Balance from last bill	\$430.51
<u>Payment Mar. 06 - Thank You!</u>	<u>-\$173.82</u>
Balance at Billing	\$256.69

### Cost of Energy Used:

Summary of New Charges (Details on Next Page)  
From February 12, 2001 to March 12, 2001

PECO Energy Charges.....	139.44
POWERCHICE Charges.....	195.60

*See letter  
AFCO letter 3-16-2001  
for bill # 139.44  
for*

<hr/>	
New Charges	\$335.04
<hr/>	
New Balance	\$591.73

New charges contain estimated total state taxes of \$14.50,  
including \$6.07 for State Gross Receipts Tax. PECO Energy's new  
charges contain \$31.44 Intangible Transition Charges.

<b>Total Amount Due</b>	
April 9, 2001	\$591.73

MESSAGE CENTER

PECO ENERGY - Thank you very much for paying your bill on time.

RECEIVED  
OFFICE OF C.A.L.J.

JUN 10 2003

BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION

SAMUEL M. RUBINO  
DA. P.U.C.

v.

PECO ENERGY COMPANY

:  
:  
:  
:  
:  
:

DOCKET NO. C-20030117

ANSWER OF RESPONDENT PECO ENERGY COMPANY

PECO Energy Company ("PECO Energy" or "PECO"), pursuant to 52 Pa. Code §5.61, responds to the Complaint and states:


1. Admitted.
2. Admitted.
3. Denied. PECO Energy denies switching Complainant's supplier service to PowerChoice without his authorization. By way of further response, PECO Energy records indicate that on June 23, 2000, it received a contract date from PowerChoice to switch Complainant's supplier service. Complainant's supplier service was switched to PowerChoice effective July 11, 2000. A letter of confirmation was mailed to the Complainant. PECO Energy records indicate that the Complainant did not contact PECO Energy within the ten day period to rescind the change of supplier/ Complainant was billed from July 11, 2000 to March 11, 2000 with PowerChoice as his supplier and PECO Energy as the billing agent. On February 20, 2001, PECO Energy processed Complainant's request to have his supplier service switched to PECO Energy. Complainant continues to hold a PowerChoice supplier balance of \$452.29.

PECO is, after reasonable investigation, without sufficient information to determine the truth of the remaining averments and they are therefore denied.

4. This paragraph is a claim for relief to which no answer is required.

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

Respectfully submitted,



Priya Sankar  
Counsel for PECO Energy Company  
2301 Market Street, S23-1  
P.O. Box 8699  
Philadelphia, PA 19101-8699  
215-841-6841  
priya.sankar@exeloncorp.com

SECRET 14 ... 9:57  
BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION

ORIGINAL

Samuel M. Rubino

v.

PECO Energy Company

and

Pepco Energy Services, Inc.,  
d/b/a Power Choice

Docket No. C-20030117

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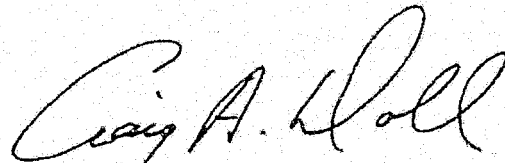
NOTICE OF APPEARANCE

Please enter my appearance in the above-designated matter on behalf of Pepco Energy Services, Inc.,  
d/b/a Power Choice.

I am authorized to accept service on behalf of said participant in this matter.

On the basis of this notice, I request a copy of each document hereafter issued by the  
Commission in this matter.

I am already receiving or have access to a copy of each document issued by the  
Commission in this matter (alone, or in a consolidated proceeding) and do not on the basis of this  
notice require an additional copy.



Craig A. Doll, Esquire  
25 West Second Street  
P.O. Box 403  
Hummelstown, PA 17036

(717) 566-9000

DATED: October 11, 2004

21

# ORIGINAL

CRAIG A. DOLL

ATTORNEY AT LAW  
25 WEST SECOND STREET  
P.O. BOX 403

HUMMELSTOWN, PENNSYLVANIA 17036-0403

HARRISBURG  
717/230-9555  
FAX 717/566-9901

HUMMELSTOWN  
717/566-9000  
FAX 717/566-9901  
E-MAIL CDOLL76342@AOL.COM

October 20, 2004

Mr. James McNulty, Secretary  
Pennsylvania Public Utility Commission  
Commonwealth Keystone Building  
400 North Street  
P.O. Box 3265  
Harrisburg, PA 17105-3265

Re: Rubino v. PECO Energy Company and Pepco Energy Services, Inc.  
Commission Docket No. C-20030117

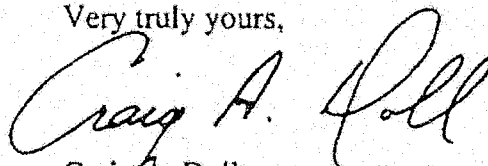
Dear Secretary McNulty:

Enclosed please find for filing an original and three (3) copies of the Answer of Pepco Energy Services, Inc. in the above matter. A copy of this Answer has been served upon the presiding Administrative Law Judge as well as all parties to the proceeding as noted on the attached certificate of service.

In addition, please substitute Mr. Peter Meier, Esquire to the official service list in addition to my name. His name and address should be substituted for those of Mr. Kumm and Mr. Simpson. Thank you for your attention to this matter.

**DOCUMENT  
FOLDER**

Very truly yours,

  
Craig A. Doll

CD/kmv  
cc: Per Certificate of Service

SECRETARY'S BUREAU

2004 OCT 21 PM 12:22

RECEIVED

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**ORIGINAL**

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Samuel M. Rubino

v.

PECO Energy Company

and

PEPCO Energy Services, Inc.,  
d/b/a Power Choice

Docket No. C-20030117

SECRETARY'S BUREAU

NOV 02 2004 12:22

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**ANSWER OF  
PEPCO ENERGY SERVICES, INC.  
TO COMPLAINT OF  
SAMUEL M. RUBINO**

Pursuant to the September 21, 2004 Order of the Honorable Charles E. Rainey, Jr. Pepco Energy Services, Inc. d/b/a Power Choice (hereinafter "PES"), by and through its undersigned counsel, files this Answer and New Matter to the complaint of Samuel M. Rubino (hereinafter "Complainant"). In response to the specific paragraphs of the Complaint and the various attachments to Judge Rainey's Order, PES states as follows:

1. Admitted.
2. Admitted.

3. Within the context of his complaint, Complainant references only his April 11, 2003 letter to the Commission. However, appended to the September 21, 2004 Order of Administrative Law Judge ("ALJ") Rainey is a copy of a March 5, 2001 letter from Complainant to PECO Energy Company (hereinafter "PECO"). Subsequent to Judge Rainey's September 21, 2004 Order, PES received a copy of a September 27, 2004 letter from Complainant to ALJ

**DOCUMENT  
FOLDER**

**DOCKETED**  
NOV 02 2004

Rainey. While many of the statements and allegations contained in these letters are similar or identical, which allegations PES specifically denies, PES responds to each allegation contained in these letters as follows:

**a. Complainant's March 5, 2001, letter to PECO:**

1.) PES is without sufficient information regarding the alleged conversations between PECO personnel and Complainant to admit or deny the averments contained in the first two sentences of this letter. All information necessary to form an opinion as to the truth or accuracy of the statements contained in these sentences is within the exclusive control of Complainant, PECO, or persons other than PES. Therefore, the averments contained therein are denied and strict proof is demanded thereof.

2.) It is admitted that Complainant enrolled with PES d/b/a PowerChoice for electric generation service. PES has reviewed the tape recording of the sales verification wherein Complainant confirmed his acceptance of PES as his supplier of electric generation services.

3.) PES cannot locate a record of receiving any phone calls or correspondence from Complainant. Complainant does not provide any information as to the individual to whom he spoke or any other particulars. All information necessary to form an opinion as to the truth or accuracy of this statement is within the exclusive control of Complainant. Therefore, this averment is denied and strict proof is demanded thereof. By way of further Answer, PES states that it received a request for cancellation of service through PECO on February 21, 2001, and processed this request in a timely fashion.

4.) It is denied that PES has illegally collected money for energy services through PECO. By way of further Answer, PES states that pursuant to various Commission Orders and PECO's Supplier Coordination Tariff, PECO provides consolidated billing services for PES and

purchased supplier receivables. PES provided electric generation services to Complainant from July 11, 2000, through and including March 12, 2001, for which PES has received full payment.

5.) PES is without sufficient information to admit or deny the allegations regarding check numbers, payment dates, or the collection practices of PECO. All information necessary to form an opinion as to the truth or accuracy of the statements contained in these allegations is within the exclusive control of Complainant, PECO, or persons other than PES. Therefore, the averments contained therein are denied and strict proof is demanded thereof.

6.) The last sentence of the March 5, 2001, letter consists of a prayer for relief which need not be admitted or denied.

**b. Complainant's April 11, 2003, letter to the Commission.**

1.) PES cannot locate a record of receiving any phone calls or correspondence from Complainant. It is denied that Complainant did not enter into an agreement with PES to provide generation services. To the contrary, PES has reviewed the tape recording of the sale verification wherein Complainant confirmed his acceptance of PES as his supplier of electric generation services. At all times that Complainant was a customer of PES, PES performed all of its obligations relative to the providing of electric generation services.

2.) PES is without sufficient information regarding alleged conversations between Complainant and PECO personnel to admit or deny the allegations regarding the filing of a complaint with the Commission. Therefore, the averments contained therein are denied and strict proof is demanded thereof.

3.) PES denies that the formal complaint currently before the Commission was filed on March 30, 2001. By way of further Answer, PES states that on April 4, 2001, it received an inquiry from the Commission's Bureau of Consumer Services regarding the same factual

situation and issues as are presented in this formal complaint. As the case notes indicate, this BCS matter was opened on March 30, 2001 as a result of a letter received by the Commission. After a full investigation by the Commission, the Bureau of Consumer Services closed the case, finding that the customer "... is responsible for the Power Choice [charges] on the PECO bill. Case closed." BCS Case Number 923721. Copy of opening and closing data sheets attached hereto as Attachment "A".

4.) PES is without sufficient information regarding the statements contained in the second paragraph of the April 11, 2003 letter to admit or deny the averments contained therein. All information necessary to form an opinion as to the truth or accuracy of the statements contained in this paragraph is within the exclusive control of Complainant, PECO, or persons other than PES. Therefore, the averments contained therein are denied and strict proof is demanded thereof.

5.) The final paragraph of the April 11, 2003 letter constitutes a prayer for relief which need not be admitted or denied. To the extent that an Answer is deemed appropriate, PES submits that it furnished Complainant with electric generation services pursuant to a verified request for service, at an agreed upon price, and for which PES is entitled to payment.

e. **Complainant's September 27, 2004 letter to Administrative Law Judge Rainey.** This letter consists primarily of argument directed toward PECO's actions and statements. As such, PES is without sufficient information regarding the averments contained in this letter to admit or deny the averments. All information necessary to form an opinion as to the truth or accuracy of the statements contained in this letter is within the exclusive possession or control of Complainant, PECO, or persons other than PES. Therefore, all averments contained therein are denied and strict proof is demanded thereof.

4. Paragraph 4 constitutes a prayer for relief which need not be admitted or denied.

NEW MATTER

5. On or about March 30, 2001, Complainant lodged a Complaint against PES (Power Choice) with the Commission's Bureau of Consumer Services. The matter was docketed at BCS # 0923721. As indicated on the BCS intake sheet, the Complaint was initiated by a letter from Complainant and was opened as of March 30, 2001. PES believes and therefore avers that the March 30, 2001 letter which prompted the opening of the BCS case file was the "complaint" mentioned in Complainant's April 11, 2003 letter to the Commission which forms the basis of the formal complaint currently before the Commission.

5. As a result of the investigation by the Commission's Bureau of Consumer Services ("BCS"), on April 9, 2003, BCS issued its decision finding against Complainant, further declaring the matter closed.

6. Rather than appeal the action of BCS as required by the Commission's regulations at 52 Pa. Code §56.172, Complainant filed the instant formal complaint.

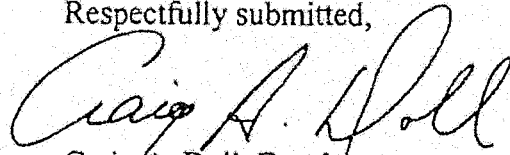
7. Complainant has alleged no new information which casts doubt on the action of BCS or would support a different finding.

8. Complainant has not alleged that he did not receive the electricity for which he contracted and was billed.

**DOCKETED**  
NOV 02 4 1

Wherefore, Pepco Energy Services, Inc. d/b/a PowerChoice respectfully requests that the Commission dismiss the complaint of Samuel M. Rubino.

Respectfully submitted,



Craig A. Doll, Esquire  
25 West Second Street  
P.O. Box 403  
Hummelstown, PA 17036-0403

(717) 566-9000

Attorney I.D. 2814

Counsel for Pepco Energy Services,  
Inc.

Dated: October 20, 2004





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

IN REPLY PLEASE  
REFER TO OUR FILE

December 10, 2004

In Re: C-20030117

(See attached list)

Samuel M. Rubino  
v.  
PECO Energy Company and PEPCO Energy Services, Inc.

Billing dispute.

Hearing Notice

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

Type: Further hearing  
Date: Monday, March 21, 2005  
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 Charles E. Rainey, Jr.  
1302 Philadelphia State Office Building  
1400 West Spring Garden Street  
Philadelphia, PA 19130  
Telephone: (215) 560-2105  
Fax: (215) 560-3133

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DEC 27 2004

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FOLDER**

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 Rainey  
Susan Licon  
Beth Plantz  
Docket Section  
Calendar File