

CAPTION SHEET

CASE MANAGEMENT SYSTEM

1. REPORT DATE: 00/00/00 :
 2. BUREAU: ALJ :
 3. SECTION(S): :
 5. APPROVED BY: : 4. PUBLIC MEETING DATE:
 DIRECTOR: : 00/00/00
 SUPERVISOR: :
 6. PERSON IN CHARGE: : 7. DATE FILED: 04/18/03
 8. DOCKET NO: C-20030117 : 9. EFFECTIVE DATE: 00/00/00

Revised

PARTY/COMPLAINANT: RUBINO, SAMUEL M.

RESPONDENT/APPLICANT: PECO ENERGY COMPANY & PEPKO ENERGY SVC

COMP/APP COUNTY: UTILITY CODE: 110550

ALLEGATION OR SUBJECT

COMPLAINANT STATES HE DID NOT SIGN AN AGREEMENT REGARDING THIS MATTER AND DOES NOT FEEL HE OWES POWERCHOICE ANY MONEY. HE WOULD LIKE PUC TO CLARIFY THIS MATTER FOR HIM. RESPONDENTS ARE: PECO ENERGY COMPANY AND PEPKO ENERGY SERVICES INC. D/B/A POWER CHOICE (JOINED AS INDISPENSABLE PARTY PURSUANT TO ALJ RAINEY'S 9/21/04 ORDER).

file

DOCKETED
DEC 01 2004

**DOCUMENT
FOLDER**

CAPTION SHEET

CASE MANAGEMENT SYSTEM

- 1. REPORT DATE: 06/00/00
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RESPONDENT/APPLICANT: PECO ENERGY COMPANY

COMP/APP COUNTY:

UTILITY CODE: 110550

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COMPLAINANT STATES HE DID NOT SIGN AN AGREEMENT REGARDING THIS MATTER AND DOES NOT FEEL HE OWES POWERCHOICE ANY MONEY. HE WOULD LIKE PUC TO CLARIFY THIS MATTER FOR HIM.

DOCUMENT
FILED

DOCUMENT
MAY 21 2003

11053
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.

SM Rubino
Signature

4-11-2003
Date

SECRETARY'S BUREAU

Continued on next page

2003 APR 18 AM 10:02

RECEIVED

March 5, 2001

P.E.C.O. Energy
2301 Market St.,
Philadelphia, Pa. 19102

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

to
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 months ago they were not going to be able to take care of us and would therefore have 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. 5, 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 H. Rubino,
4 Rustic Lane,
Malvern, Pa. 19355

PECO Energy Company
2301 Market Street, N4-3
PO Box 8659
Philadelphia, PA 19108-8609

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 3265
Harrisburg PA 17105-3265
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

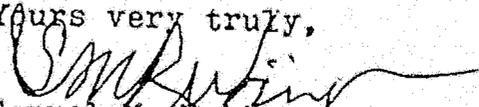
Re: Formal Complaint

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

Case # 15 filed
MARCH 30th

0923721

Jackie "Phone 888-
782-3728"


Customer Service Center

Telephone 215 841 4000
www.exeloncorp.com

Called on 4-17-01 "Luquita" name, " An Exelon Company

PECO Energy Company
2301 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



An Exelon Company

YOUR MONTHLY BILL

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

Billing For Your Energy Use:

Balance from last bill	\$430.51
Payment Mar 06 - Thank You!	<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
POWERCHOICE Charges.....	195.60

*See letter
APCO
that dated 3-16-2001
for #139.44*

New Charges	\$335.04
New Balance	\$591.73

New charges contain estimated total state taxes of \$14.50, including \$6.97 for State Gross Receipts Tax. PECO Energy's new charges contain \$31.44 Intangible Transition Charges.

Total Amount Due April 9, 2001	\$591.73
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MESSAGE CENTER

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

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

DATE SERVED: MAY 22, 2003

C-20030117

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

JOHN
1999

Dear Sir/Madam:

A complaint has been filed against you before the Pennsylvania Public Utility Commission by SAMUEL M. RUBINO. 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.

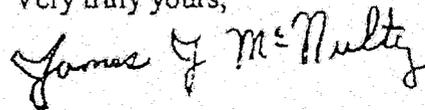
MAY 22, 2003

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,

A handwritten signature in cursive script that reads "James J. McNulty". The signature is written in dark ink and is positioned to the right of the typed name.

James J. McNulty
Secretary

KSB

BEFORE THE PENNSYLVANIA PUBLIC UTILITY COMMISSION

DATE SERVED: MAY 22, 2003

SAMUEL M. RUBINO
Complainant

VS.

Complaint Docket
No: C-20030117

PECO ENERGY COMPANY
Respondent

DOCUMENT
5/21/03

MAY 21 2003

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 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).

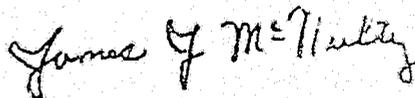
2. If you fail to either satisfy this complaint or to file answer or other responsive pleading within twenty (20) days, you will be deemed to have admitted all the allegations in this complaint in accordance with Section 5.61 of the Commission's Rules of Administrative Practice and Procedure, 52 Pa.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

ORIGINAL

Legal Department

Exelon Business Services Company
2301 Market Street/5231
PO Box 8699
Philadelphia, PA 19101-8699

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

BTL

Direct Dial: 215 841-6841
June 16, 2003

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

JUN 16 2003

RE: Samuel M. Rubino v. PECO Energy Company
Docket No. C-20030117

PA. PUB. UTILITY COM. ...

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)
- 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,

Priya Sankar
Counsel for PECO Energy
Exelon Business Services Company

DOCUMENT
FOLDER

Enclosures
Cc: All Parties

ORIGINAL

JUN 19 2003

BEFORE THE PENNSYLVANIA PUBLIC UTILITY COMMISSION

SAMUEL M. RUBINO

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.

DOCUMENTS FOLDER

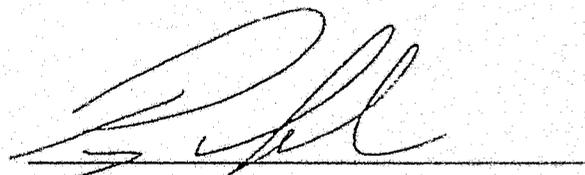
DOCKETED JUN 19 2003

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

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

SAMUEL M. RUBINO

v.

PECO ENERGY COMPANY

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:
:

DOCKET NO. C-20030117

VERIFICATION

I, Priya Sankar, hereby declare that I am an attorney representing 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 16, 2003



Priya Sankar

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

SAMUEL M. RUBINO

v.

PECO ENERGY COMPANY

:
:
:
:
:

DOCKET NO. C-20030117

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:

Samuel M. Rubino
4 Rustic Lane
Malvern, PA 19355

Dated at Philadelphia, Pennsylvania, June 16, 2003.



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