

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: 10/24/05
8. DOCKET NO: C-20055474	:	9. EFFECTIVE DATE: 00/00/00

PARTY/COMPLAINANT: PROPATO, PASQUALE

RESPONDENT/APPLICANT: PECO ENERGY COMPANY

COMP/APP COUNTY: MONTGOMERY

UTILITY CODE: 110550

ALLEGATION OR SUBJECT

COMPLAINANT STATES PECO CLAIMS THAT THERE WAS SOMETHING WRONG WITH THE METER AND THEY WANT THEM TO PAY THE DIFFERENCE (\$6,601.79) FOR THE PAST THREE YEARS WITH THEIR METER.

DOCUMENT  
FOLDER

**DOCKETED**  
OCT 26 2005

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Formal Complaint Form

C-20055474

Please print or type.

1. CUSTOMER NAME (COMPLAINANT)

Your name, mailing address, county, telephone number, utility account number and service address:

Name Pasquale Propato

Street/P.O. Box 104 Moreland Ave Apt #

City Hatboro State Pa. Zip 19040

County Montgomery

Area Code/HOME Phone 267-767-6852

Area Code/WORK Phone 215-674-0712

Utility Account Number (from your bill) 40-06-16113090

If your complaint involves utility service provided to a different address than your mailing address, please list this information below.

Name

Street/P.O. Box

City State Zip

2. UTILITY NAME (RESPONDENT)

Name of utility company your complaint concerns: PECO

3. TYPE OF UTILITY (check one)

[X] ELECTRIC

[ ] STEAM HEAT

[ ] GAS

[ ] WASTE WATER

[ ] WATER

[ ] MOTOR CARRIER

(taxi, moving company, limousine)

[ ] TELEPHONE

(local, long distance)

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2005 OCT 21 AM 9:23  
PA P.U.C.  
SECRETARY'S BUREAU

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4. COMPLAINT (check one)

A. In general, what is your complaint?

- I want to oppose the company's proposed rate increase.
- There are incorrect charges on my bill.
- There is a reliability, safety or quality problem with my utility service.
- I received a notice that my utility service is being terminated.
- I would like a payment agreement.
- Other.  
(explain)

B. State the facts of your complaint.

Include any specific dates, times or places that are important. If the complaint is about a bill, tell us about any charges that you believe are not correct. Use additional paper if you need more space. Provide copies of all relevant documents you believe will support your complaint.

The say that thier was something wRong with the Meter & WANT Me To Pay the Diferance of 6,601.79 for the Past 3 Years with thier Meter. & Now say There was tempering with the Meter which is A total Bogas Claim. I want some kind of Proof or something, Because they can just tell you they want more & Anytime they want Because they have the Power to do that to people is wrong. they are Untouchable

5. RELIEF

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

This is the only way I can fight this, normaly you can just file a law suite Against Any normal Business but I guess PECO is to Powerful to do that so I have to go this Route. . . . I would Lik to counter Suite too

6. PROTECTION FROM ABUSE

Answer the following question if your complaint is against a natural gas distribution company, an electric distribution company or a water company AND your complaint is about a billing problem, an application for service problem, a termination of service problem or a request for a payment agreement.

Has a court granted a "Protection from Abuse" order for your personal safety?

YES

NO

7. PRIOR UTILITY CONTACT

Answer the following question only if you are a residential customer and your complaint is against an electric distribution utility, natural gas distribution utility or a water distribution utility.

Have you spoken to a utility company representative about this complaint?

YES   
(includes appeals of BCS determinations)


NO

If you tried to, but could not speak to a utility company representative about your complaint, please explain why.

8. VERIFICATION AND SIGNATURE

You must print or type your name below on the line provided for the verification paragraph, and you must sign and date (in ink) this form on the lines provided.

Verification: I Pasquale Propeto, hereby state that the facts above set forth are true and correct (or are true and correct to the best of my knowledge, information and belief) and that I expect to be able to prove the same at a hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa. C.S. § 4904 (relating to unsworn falsification to authorities).

  
(Signature)

10-16-05  
(Date)

9. LEGAL REPRESENTATION (IF ANY)

If you are represented by a lawyer in this matter you must provide your lawyer's name, address and telephone number.

Lawyer's Name \_\_\_\_\_

Street \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

Area Code/Phone Number \_\_\_\_\_

10. FILING

Please return the completed form to one of the addresses listed below:

If using U.S. Postal Service:

If using overnight delivery service:

Secretary Pennsylvania Public Utility Commission P.O. Box 3265 Harrisburg, PA 17105	Secretary Pennsylvania Public Utility Commission 400 North Street Commonwealth Keystone Building, 2 <sup>nd</sup> Floor Harrisburg, Pennsylvania 17120
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Facsimiles and/or electronic filings of the complaint form will not be accepted.

If you have any questions about filling out this form, please contact the Secretary's Bureau at 717-772-7777.

**Keep a copy of your complaint for your records.**

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

DATE SERVED: OCTOBER 27, 2005

C-20055474

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

DOCUMENT  
FOLDER

Dear Sir/Madam:

A complaint has been filed against you before the Pennsylvania Public Utility Commission by PASQUALE PROPATO. 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.

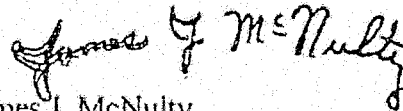
OCTOBER 27, 2005

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

JHH

BEFORE THE PENNSYLVANIA PUBLIC UTILITY COMMISSION

DATE SERVED: OCTOBER 27, 2005

PASQUALE PROPATO

Complainant

VS.

PECO ENERGY COMPANY

Respondent

Complaint Docket

No: C-20055474

DOCUMENT  
FOLDER

**DOCKETED**  
OCT 26 2005

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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,

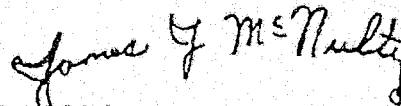
1. You have twenty (20) days from the date on which this complaint is served to either satisfy this complaint or to file with the Secretary of the Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, an answer (original and three copies), in writing, under oath, which, as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

Legal Department

Exelon Business Services Company  
2301 Market Street/ 523-1  
PO Box 8699  
Philadelphia, PA 19101-8699

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

Business Services  
Company

# ORIGINAL

Direct Dial 215 841 6841

November 16, 2005

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

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NOV 16 2005

RE: Pasquale Propato v. PECO Energy Company  
PUC Docket No. C-20055474

PA PUBLIC UTILITY COMMISSION  
SECRETARY'S BUREAU

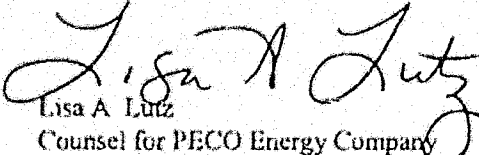
Dear Mr. McNulty:

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 to Dismiss (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

Enc.

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BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION

NOV 18 2005

PA PUBLIC UTILITY COMMISSION  
SECRETARY'S OFFICE

PASQUALE PROPATO

v

PECO ENERGY COMPANY

:  
:  
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DOCKET NO. C-20055474

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. PECO Energy avers it also provides gas service to Complainant.
4. Admitted in part and denied in part. PECO Energy admits it billed Complainant

for service used but not billed, as permitted by the Public Utility Commission's ("PUC") rules and regulations. PECO Energy denies that the Complainant was improperly billed for service used but not registered on the meter.

By way of background, on August 18, 2005, a PECO technician visited the property and found an unauthorized alteration, including a seal broken on the meter and the electric meter was not spinning correctly. PECO made the required repairs and replaced the meter.

Upon obtaining usage data from August 18, 2005 to September 14, 2005, the Complainant's account was back-billed for the period of November 7, 2002 through August 9, 2005 in the amount of \$6,601.79. Upon further review of this backbilling and usage data, a

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credit in the amount of \$1,644.47 was applied to the account on November 7, 2005.

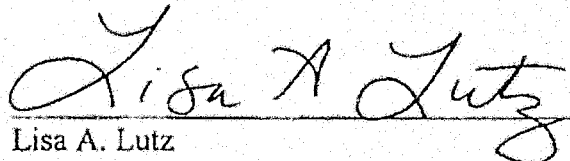
Complainant's current account balance is \$6,015.90

A verbal close of the informal complaint was issued by the Bureau of Consumer Services ("BCS") on October 11, 2005. The letter explaining the verbal close of the informal complaint indicated the customer's account balance at that time is \$8461.55 with a due date to pay these charges by October 18, 2005. A copy of the BCS closing letter decision is attached as Exhibit A.

5. This paragraph is a request for relief and no answer is required.
6. PECO Energy is without sufficient information to confirm or deny this statement.
7. Admitted.

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

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](mailto:Lisa.Lutz@exeloncorp.com)

BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION

PASQUALE PROPATO

v.

PECO ENERGY COMPANY

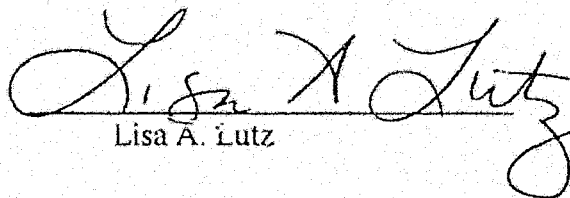
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DOCKET NO. C-20055474

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 16, 2005

  
Lisa A. Lutz

Date: 11/3/05

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

Case Number: 1985763  
Customer Name: PASQUALE PROPATC  
Address: 104 MORELAND RC  
HATBORO PA 19040-1805

Opened On: 9/23/05  
Utility Type: Electric Distributor  
Account Number: 4006\*6113090  
Company Name: PECO Energy

Prior Case: Total Balance: \$8,461.55 Balance Date:  
Compliance: Chap 56/64/Other: Section/Rule:  
Violation(Alleged, Actual, No): NO  
Decision Issued: N Oral Written:   
Investigator: COOK, GLORIA PUC Decision Issued Dt: PUC Case Closed Dt: 10/11/05  
Decision Recvd Dt: 10/11/05 03:25PM

Letter Description:

To Restore Service Pay: \$0.00 To Continue Service Pay: \$0.00 By:  
Terms:  
Special Budget Amount: \$0.00 Regular Budget Amount: \$0.00 Plus Arrears Payment: \$0.00  
Final Bill Monthly Payment: \$0.00 Current Bill Monthly Payment: \$0.00  
End Of Month Payment: \$0.00

Par Description:

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NOV 13 2005

PA PUBLIC UTILITY COMMISSION  
SECRETARY'S BUREAU

Resolution:

VERBAL CLOSE LETTER MAILED TO CU. YOUR ACCOUNT BALANCE IS \$8,461.55 IN ORDER TO PREVENT THE TERMINATION OF YOUR SERVICE, YOU MUST PAY \$8,461.55 BY 10/18/05 THEN PAY FUTURE BILLS WHEN RENDERED.

Exhibit A

BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION

PASQUALE PROPATO

v.

PECO ENERGY COMPANY

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DOCKET NO. C-20055474

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:

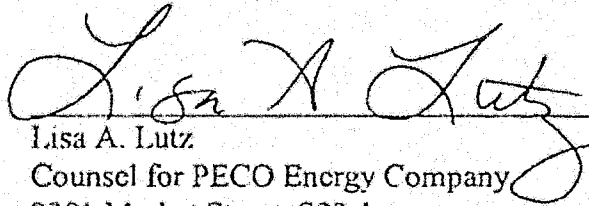
PASQUALE PROPATO  
104 Moreland Avenue, St. 2  
Hatboro, PA 19040

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NOV 13 2005

Dated at Philadelphia, Pennsylvania, November 16, 2005.

PA PUBLIC UTILITY COMMISSION  
SECRETARY'S BUREAU



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](mailto:Lisa.Lutz@exeloncorp.com)