

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: 05/21/07
 8. DOCKET NO: C-20077811 : 9. EFFECTIVE DATE: 00/00/00

PARTY/COMPLAINANT: NIPPES, DAVID C

RESPONDENT/APPLICANT: PECO ENERGY COMPANY

COMP/APP COUNTY: CHESTER

UTILITY CODE: 122300

ALLEGATION OR SUBJECT

COMPLAINANT STATES BEING CHARGED NEW RATES PRIOR TO MARCH 1, 2007. HE WOULD LIKE THE PUC TO HAVE PECO NOT CHARGE NEW RATE UNTIL APPROVAL ON MARCH 1ST AND HAVE OVERCHARGES CREDITED.

DOCUMENT
FOLDER

DOCKETED
MAY 30 2007

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Formal Complaint Form

Please print or type.

C-20077811

ORIGINAL

1. CUSTOMER NAME (COMPLAINANT)

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

Name DAVID C NIPPES

Street/P.O. Box P.O. Box 493 Apt # _____

City Honeybrook State PA Zip 19344

County CHESTER

Area Code/HOME Phone _____

Area Code/WORK Phone 610-873-9629

Utility Account Number 75896-01605
(from your bill)



Mr David Nippes
137 W Lancaster Ave
Downingtown PA 19335

my OFFICE

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 3419 Horseshoe Pk.

City Honeybrook State PA. Zip 19344

2. UTILITY NAME (RESPONDENT)

Name of utility company your complaint concerns: PECO

3. TYPE OF UTILITY (check one)

- ELECTRIC
- GAS
- WATER
- TELEPHONE
(local, long distance)
- STEAM HEAT
- WASTE WATER
- MOTOR CARRIER
(taxi, moving company, limousine)

2007 MAY 21 7:55

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. Rate was changed in the last 4 days of
(explain) Billing

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.

Billing FEB 6-07 to MAR 01-07
NEW Rate was to start MARCH 1 07
NOT FEB 06-07 they billed for
the REARS to FEB 06-07 which was
NOT Right.

5. RELIEF

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

MAKE Rates the Right way; Don't allow
this Rate to change till the NEXT Billing
Cycle; NOT to include the rate for the
Whole Bill, Start Rate when PUC gave
the NEW Rate and not before and not in
the MIDDLE of the Cycle as this was.

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)

Customer Service Dept.

NO

If you tried to, but could not speak to a utility company representative about your complaint, please explain why. *Power Williams No Return Call on Calls*

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 David Williams, 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)

(Date)

5/11/07

*copy to
PA Secretary
in 11/11/07*

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 nd 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

IN REPLY PLEASE
REFER TO OUR FILE

DATE SERVED: MAY 31, 2007

C-20077811

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

**DOCUMENT
FOLDER**

Dear Mr. Smith:

A complaint has been filed against you before the Pennsylvania Public Utility Commission by DAVID NIPPES. 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.

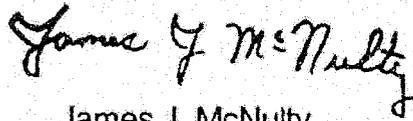
Detailed instructions on how to proceed are contained in the attached pages. You are advised to read them carefully.

MAY 31, 2007

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

SS

BEFORE THE PENNSYLVANIA PUBLIC UTILITY COMMISSION

DATE SERVED: MAY 31, 2007

DAVID NIPPES

Complainant

v.

PECO ENERGY COMPANY

Respondent

Complaint Docket
No: C-20077811

DOCKETED
MAY 30 2007

FORMAL COMPLAINT NOTICE TO RESPONDENT TO ANSWER OR SATISFY

TO: PECO ENERGY COMPANY

**DOCUMENT
FOLDER**

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).

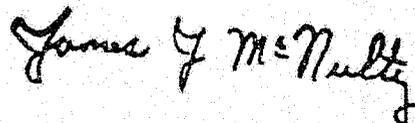
2. If you fail to either satisfy this complaint or to file answer or other responsive pleading within twenty (20) days, you will be deemed to have admitted all the allegations in this complaint in accordance with Section 5.61 of the Commission's Rules of Administrative Practice and Procedure, 52 Pa. 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 4600
Fax 215 568 3389
www.exeloncorp.com

Business Services
Company

DOCKETED
JUN 26 2007

Direct Dial: 215 841 6841

June 25, 2007

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

ORIGINAL

RE: David Nippes v. PECO Energy Company
Docket No. C-20077811
Dear Mr. McNulty:

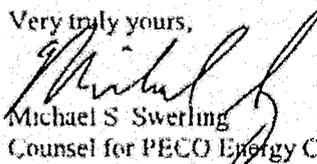
Enclosed for filing with the Commission are the following documents and copies in the matter referenced above:

- X Answer (original and 3 copies)
- Petition (original and 3 copies)
- Preliminary Objection (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)

**DOCUMENT
FOLDER**

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,


Michael S. Swerling
Counsel for PECO Energy Company

RECEIVED

JUN 25 2007

MSS/zr

Enc.

PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

SCHEDULING RECOMMENDATION: CALL OF THE DOCKET X NON-CALL OF THE DOCKET

BA

111

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

ORIGINAL

DAVID NIPPES

v.

PECO ENERGY COMPANY

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:

DOCKET NO. C-20077811

DOCKETED
JUN 26 2007

ANSWER OF RESPONDENT,
PECO ENERGY COMPANY

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

1. Admitted.
2. Admitted.
3. Admitted.
4. Denied. PECO Energy denies Complainant's statement: "rate was changed in the

**DOCUMENT
FOLDER**

RECEIVED

JUN 25 2007

PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

last 4 days of billing." PECO Energy denies that it billed Complainant on a new natural gas rate increase prior to the date that rate increase went into effect. PECO Energy did institute a new natural gas rate increase, which went into effect on March 01, 2007. Complainant's first bill affected by the new rate increase was the one issued on March 08, 2007. This bill covered service provided from February 06, 2007 to March 07, 2007 or 29 days in total. Of those 29 days, Complainant was billed on the old rate for 23 days and he was billed on the new rate for 6 days (from March 01, 2007 to March 07, 2007). PECO Energy avers that Complainant was billed on the correct applicable rates during that 29-day period from February 06, 2007 through March 07, 2007.

By way of further response, all of PECO Energy's rates have been approved by and are regulated by the Public Utility Commission and/or the Federal Energy Regulatory

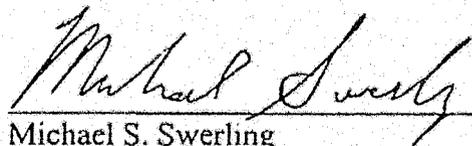
Commission. Complainant's charges are, therefore, regulated by the Public Utility Commission ("PUC"); and they are contained within PECO Energy's Gas Service Tariff, Pa. P.U.C. No. 2 approved by and on file with the PUC. The Tariff provisions approved by the PUC are prima facie reasonable. See, 66 Pa. C.S.A. § 316 (1999); See also, Kossman v. Pennsylvania Public Utility Commission, 694 A.2d 1147 (Pa. Cmwlth. 1997). Moreover, tariffs that have been approved by the PUC have the full force and effect of law and are binding on both the utility and its customers. Brockway Glass Co. v. Pennsylvania Utility Commission, 437 A.2d 1067 (Pa. Cmwlth. 1981).

A recent decision of the Bureau of Consumer Services ("BCS") issued on or about April 20, 2007 closed the informal complaint after the Complainant claimed he was "involved in a clean sweep getting rid of the heads of agencies in HBG such as PUC." A copy of the BCS 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,



Michael S. Swerling
Counsel for PECO Energy Company
2301 Market Street, S23-1
P.O. Box 8699
Philadelphia, PA 19101-8699
(215) 841-6841
Michael.Swerling@exeloncorp.com

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

DAVID NIPPES

v.

PECO ENERGY COMPANY

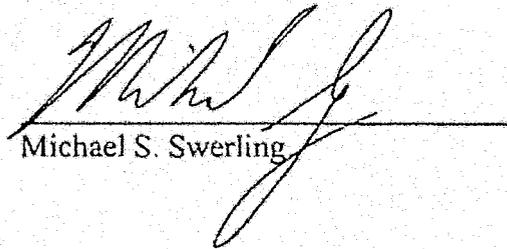
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DOCKET NO. C-20077811

VERIFICATION

I, Michael S. Swerling, 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 25, 2007


Michael S. Swerling

RECEIVED

JUN 25 2007

PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

DAVID NIPPES

v.

PECO ENERGY COMPANY

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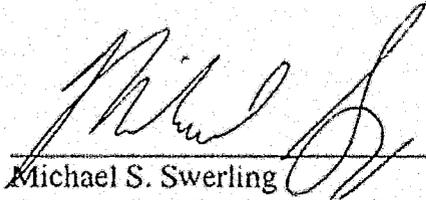
DOCKET NO. C-20077811

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 properly addressed and postage prepaid to:

DAVID NIPPES
P.O. Box 493
Honeybrook, PA 19344

Dated at Philadelphia, Pennsylvania, June 25, 2007.



Michael S. Swerling
Counsel for PECO Energy Company
2301 Market Street, S23-1
P.O. Box 8699
Philadelphia, PA 19101-8699
(215) 841-6841
Michael.Swerling@exeloncorp.com

RECEIVED

JUN 25 2007

PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU



COMMONWEALTH OF PENNSYLVANIA
PENNSYLVANIA PUBLIC UTILITY COMMISSION
Office of Administrative Law Judge
P.O. BOX 3265, HARRISBURG, PA 17105-3265
July 11, 2007

IN REPLY PLEASE
REFER TO OUR FILE

In Re: C-20077811

(SEE ATTACHED LIST)

David C. Nippes v. PECO Energy Company

Billing Dispute

Telephone Hearing Notice

DOCUMENT
FOLDER

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

Type: Initial Telephonic Hearing
Date: Monday, September 10, 2007
Time: 10:00 a.m.
Presiding: Administrative Law Judge Angela T. Jones
1302 Philadelphia State Office Building
1400 West Spring Garden Street
Philadelphia, PA 19130
Telephone: 215-560-2105
Fax: 215-560-3133

DOCKETED
JUL 17 2007

If you have not provided a current telephone number where you can be reached for participation in the hearing OR YOUR AREA CODE HAS CHANGED, then you must contact the presiding officer at least 7 days before the actual hearing and provide the necessary information.

BA

At the above date and time, the Presiding Officer will contact the parties as follows:

David C. Nippes
Michael S. Swerling, Esquire

610-873-9629
215-841-6841

If you have any hearing exhibits to which you will refer during the hearing, 3 copies must be sent to the Administrative Law Judge and 1 copy each must be sent to every other party. All copies must be received at least 5 days before the hearing.

Attention: You may lose the case if you do not take part in this hearing and present facts on the issues raised.

Except for those individuals representing themselves, the Commission's rules require that all parties have an attorney; therefore, you should have an attorney of your choice file an entry of appearance before the scheduled hearing.

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 at least (2) two business days prior to your hearing:

- Scheduling Office: 717-787-1399
- AT&T Relay Service number for persons who are deaf or hearing-impaired:
1-800-654-5988

pc: Judge Jones
Stacy Nolan, Scheduling Officer
Beth Plantz
Docket Section
Calendar File