

Joseph M. Scheidly
606 Dutton Street
Aston, Pa 19014
August 31, 2006

James McNulty, Secretary
Pennsylvania Public Utility Commission
P.O. BOX 3265
Harrisburg, Pa. 17105 - 3165

RE Joseph M. Scheidly v Peco Energy Compant
Docket No. 20065789

Dear Mr. McNulty :

Enclosed for filing is the original and 11 copies of my reconsideration on the opinion and order by the commission

Would you kindly time stamp one copy and return it in the provided self addressed stamped envelope .

AS A FOURTH NOTICE

And as I can not find a Pennsylvania Statue promulgating P.U.C. Code sec 56.41 lease forward me a copy preferably from Purdons text of Pennsylvania Statues

[Handwritten Signature]
Very truly Yours
[Handwritten Signature]
Joseph M. Scheidly

CC:
Lisa A. Lutz, Attorney for PECO
Marlene R. Chestnut (ALJ)

Representative Stephen Barrar
Willowbrook Shopping Center
3358 Chichester Ave
Boothwyn, Pa. 19061

The Governor of Pennsylvania
The Honorable Edward Rendell
225 Main Capitol Building
Harrisburg, Pa. 17120

CERTIFIED TO BE CORRECT

SUBSCRIBED and SWORN before me this 18th
day of Sept 20 06, a Notary Public
in and for Delaware County, State of PA
[Handwritten Signature]
NOTARY PUBLIC

COMMONWEALTH OF PENNSYLVANIA
Notarial Seal
Dorinda M. McCarty, Notary Public
Upper Chichester Twp., Delaware County
My Commission Expires Sept. 9, 2009
Member, Pennsylvania Association of Notaries

IN THE
COMMONWEALTH OF PENNSYLVANIA
PENNSYLVANIA PUBLIC UTILITY COMMISSION
OFFICE OF THE ADMINISTRATIVE LAW JUDGE

JOSEPH M., SCHEIDL Y

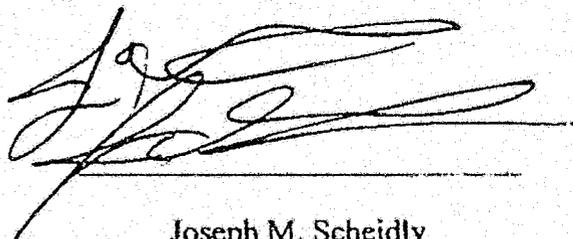
v.

DOCKET NO C - 2006579

PECO ENERGY COMPANY

CERTIFICATE OF SERVICE

I Joseph M. Scheidly (complainant) hereby certifies I have served on Peco Energy Company VIA there attorney Lisa A. Lutz by first class mail a true and correct copy of my reconsideration on the opinion and order by the commission



Joseph M. Scheidly
606 Dutton Street
Aston, Pa. 19014

Date executed August 31,2006

CERTIFIED AS TRUE & CORRECT

SUBSCRIBED and SWORN before me this *18th*
day of *Sept* 20*06*, a Notary Public
in and for *Delaware* County, State of PA
Donna M. McCarty
NOTARY PUBLIC

COMMONWEALTH OF PENNSYLVANIA
Notarial Seal
Donna M. McCarty, Notary Public
Upper Chichester Twp., Delaware County
My Commission Expires Sept. 9, 2009
Member, Pennsylvania Association of Notaries

IN THE
COMMONWEALTH OF PENNSYLVANIA
PENNSYLVANIA PUBLIC UTILITY COMMISSION
OFFICE OF THE ADMINISTRATION JUDGE

JOSEPH M. SCHEIDL Y

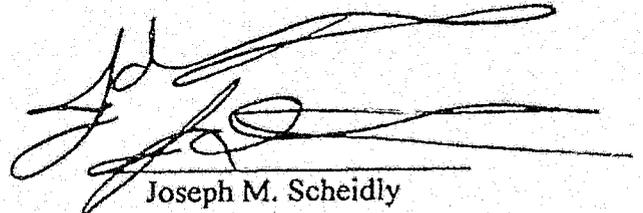
V

DOCKET NO. C-20065789

PECO ENERGY COMPANY

VERIFICATION

I, Joseph M. Scheidly hereby under penalty of law state the facts set forth in my reconsideration on the opinion and order by the commission is true to the best of my knowledge ,



Joseph M. Scheidly

Date ~~May 12, 2006~~

CORRECTED TO AUGUST 31/2006

CERTIFIED AS TRUE & CORRECT

SUBSCRIBED and SWORN before me this 18th
day of Sept 2006, a Notary Public
in and for Delaware County, State of PA
Donna M. McCarty
NOTARY PUBLIC

COMMONWEALTH OF PENNSYLVANIA
Notarial Seal
Donna M. McCarty, Notary Public
Upper Chichester Twp., Delaware County
My Commission Expires Sept. 9, 2009
Member, Pennsylvania Association of Notaries

PENNSYLVANIA PUBLIC UTILITY COMMISSION
RECONSIDERATION OF OPINION
AND
ORDER BY THE COMMISSION

Joseph M. Scheidly

v

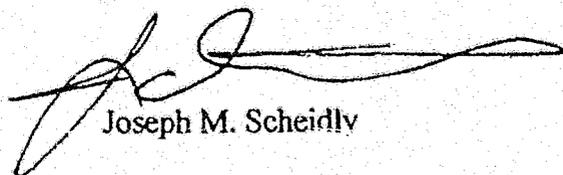
PECO Energy Company

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Docket No. C - 20065789

The plaintiff Joseph M. Scheidly feels his Constitutional rights to Double Jeopardy arising under the 14th Amendment to the United States Constitution have been violated by this commission in their opinion and order ,now as a United States Citizen the plaintiff demands his rights to be heard as supported by common law *United States of America v Security National Bank 546, F2d, 492*, copy attached for verification .

Respectfully Submitted



Joseph M. Scheidly

Received and answered on 8/31/2006

UNITED STATES of America, Appellant,

v.

SECURITY NATIONAL BANK,
Defendant-Appellee.

No. 282, Docket 76-1283.

United States Court of Appeals,
Second Circuit.

Argued Sept. 27, 1976.

Decided Dec. 6, 1976.

The United States appealed from a judgment following a jury trial in the United States District Court for the Eastern District of New York, Mark A. Costantino, J., acquitting a corporate defendant of making political contributions in violation of statute. The Court of Appeals, Van Graafeiland, Circuit Judge, held that the appeal was precluded as violative of the double jeopardy clause of the Fifth Amendment, despite contention that corporate defendant should not be entitled to double jeopardy protection.

Appeal dismissed.

1. Criminal Law ⇐161

Constitutional prohibition against double jeopardy does not preclude only double jeopardy of "life and limb"; rather, it precludes a second trial for the same offense. U.S.C.A.Const. Amend. 5.

2. Constitutional Law ⇐260

Prohibition against double jeopardy is so fundamental that its basic core must be included within the equally fundamental constitutional right of due process. U.S.C.A.Const. Amend. 5.

3. Criminal Law ⇐161

Corporations are entitled to the constitutional guaranty against double jeopardy, despite contention that a criminal proceeding against the corporation is little different from a civil case. U.S.C.A.Const. Amend. 5.

4. Criminal Law ⇐186

Following acquittal of corporate defendant on charge of making political contributions in violation of statute, appeal by the Government was precluded as violative of the double-jeopardy clause of the Fifth Amendment. U.S.C.A.Const. Amend. 5; 18 U.S.C.A. § 610.

Edward R. Korman, Chief Asst. U. S. Atty., Brooklyn, N. Y. (David G. Trager, U. S. Atty., Eastern District of New York, Brooklyn, N. Y., Robert F. Katzberg, Asst. U. S. Atty., New York City, of counsel), for appellant.

Eugene F. Bannigan, New York City (Lord, Day & Lord, New York City, Herbert Brownell, John W. Castles, 3d, James M. Morrissey, New York City, of counsel), for defendant-appellee.

Before WATERMAN, VAN GRAAFEILAND, Circuit Judges, and MOTLEY, District Judge.*

VAN GRAAFEILAND, Circuit Judge:

On September 5, 1975, a grand jury sitting in the Eastern District of New York indicted Security National Bank on 9 counts of making unlawful political contributions in violation of 18 U.S.C. § 610. Three of the bank's officers were charged with conspiring to cause the bank to make these unlawful contributions. These same officers were also charged with conspiracy to misapply bank funds in violation of 18 U.S.C. § 656, and one of them was charged with making false statements in violation of 18 U.S.C. § 1001. Following a ten-week trial before Judge Costantino and a jury, verdicts of not guilty were returned as to all charges except one substantive count against an individual defendant. The Government now appeals from the judgment acquitting the corporate defendant, contending that it resulted from erroneous instructions given to the jury by the trial judge. Because we conclude that an appeal cannot be taken from this judgment of ac-

* Of the Southern District of New York, sitting by designation.

A.2d 586 (1966); *Gomez v. Superior Court*, 50 Cal.2d 640, 649, 328 P.2d 976 (1958); *Stout v. State ex rel. Caldwell*, 36 Okl. 744, 130 P. 553 (1913); *i. e.*, that one may not be tried a second time for the same offense. *Calvaresi v. United States*, 216 F.2d 891, 902 (10th Cir. 1954), *rev'd on other grounds*, 348 U.S. 961, 75 S.Ct. 522, 99 L.Ed. 749 (1955).

[2, 3] The prohibition against double jeopardy, "one of the oldest ideas found in western civilization", *Bartkus v. Illinois*, 359 U.S. 121, 151, 79 S.Ct. 676, 696, 3 L.Ed.2d 684 (1959) (Black, *J.*, dissenting), has become "part of our American concept of fundamental fairness." *Brock v. North Carolina*, 344 U.S. 424, 435, 73 S.Ct. 349, 354, 97 L.Ed. 456 (1953) (Vinson, *C. J.*, dissenting). It represents such a "fundamental ideal in our constitutional heritage" that its basic core must be included within the equally fundamental constitutional right of due process. *Benton v. Maryland*, 395 U.S. 784, 794, 89 S.Ct. 2056, 2062, 23 L.Ed.2d 707 (1969); *see also United States v. Wilkins*, 348 F.2d 844, 854 (2d Cir. 1965), *cert. denied*, 383 U.S. 913, 86 S.Ct. 836, 15 L.Ed.2d 667 (1966). We see no valid reason why a corporation which is a "person" entitled to both equal protection and due process under the Constitution, *Wheeling Steel Corp. v. Glander, supra*, 337 U.S. at 574, 69 S.Ct. 1291, should not also be entitled to the constitutional guaranty against double jeopardy.

The Government argues its cause as if all corporations were industrial giants and all corporate crimes were merely regulatory violations punishable by modest fines. Thus, it seeks to avoid the concept of governmental harassment and oppression which is a basic ingredient of the resistance to double jeopardy. *See Abbate v. United States*, 359 U.S. 187, 189, 79 S.Ct. 666, 3 L.Ed.2d 729 (1959). Neither corporations nor corporate crimes can be so easily encapsulated. Most New York business corporations, for example, have only a few shareholders, and some have only one. G. Hornstein, *Analysis of Business Corporation Law*, 6 McKinney's Business Corporation

Law, Appendix 1 at 454. Moreover, many corporations are organized for religious, educational, charitable or social purposes, rather than for the pursuit of profit. It is well-settled, also, that a corporate entity may be guilty of a great variety of criminal acts. *See* 10 Fletcher Cyc. Corp. (Perm.Ed.) Chapter 55, § 4951, at 473-83. Indeed, some commentators assert, perhaps a bit enthusiastically, that there is virtually no crime for which a corporation should not be held liable. *See, e. g.*, 3 H. Oleck, *Modern Corporation Law* § 1681, at 727 (1959). The financial penalties for some of these offenses can be substantial indeed. *See, e. g.*, *Standard Oil Co. of Indiana v. United States*, 164 F. 376 (7th Cir. 1908), *cert. denied*, 212 U.S. 579, 29 S.Ct. 689, 53 L.Ed. 659 (1909); *United States v. Bernstein*, 533 F.2d 775, 809 (2d Cir. 1976) (Van Graafeiland, *J.*, dissenting). Bearing these factors in mind, we are not prepared to accept the Government's contention that "but for the label [a criminal proceeding against a corporation] is little different from a civil case." Government's reply brief at 18.

The small entrepreneur is not spared the embarrassment, expense, anxiety and insecurity resulting from repeated trials on criminal charges, simply because he has incorporated his modest business. That a large corporation may have more substantial financial resources is no more valid ground for depriving it of its constitutional rights than is the possession of greater wealth by an individual. Indeed, the larger the corporation, the more likely it is that its shareholders, who in the end must bear the financial burden consequent upon criminal liability, will be completely innocent and unaware of any corporate wrongdoing.

[4] No corporation, large or small, can escape the "incalculable effect" which a conviction may have on the public attitude toward the company, 3 H. Oleck, *supra*, § 1683, at 729. Like an individual, it must answer to the "verdict of the community". *Price v. Georgia*, 398 U.S. 323, 331 n.10, 90 S.Ct. 1757, 26 L.Ed.2d 300 (1970). No corporation, no matter how large, can pit its resources against the overwhelming might