

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: 01/22/07
8. DOCKET NO:	C-20077303	:	9. EFFECTIVE DATE: 00/00/00

PARTY/COMPLAINANT: PET-CHEM EQUIPMENT CORP.

RESPONDENT/APPLICANT: PECO ENERGY COMPANY

COMP/APP COUNTY: MONTGOMERY

UTILITY CODE: 110550

ALLEGATION OR SUBJECT

COMPLAINANT STATES THERE ARE INCORRECT CHARGES ON THEIR BILL.

DOCUMENT
FOLDER

DOCKETED
JAN 25 2007

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Formal Complaint Form

110550

Please print or type.

C-20077303

2007... 11:03

1. CUSTOMER NAME (COMPLAINANT)

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

Name PET-CHEM EQUIPMENT CORP.

Street/P.O. Box P. O. BOX 206 Apt #

City FLOURTOWN State PA Zip 19031

County MONTGOMERY

Area Code/HOME Phone

Area Code/WORK Phone 215-836-2330

Utility Account Number CURRENT 94763-01107

(from your bill) PRIOR DURING COMPLAINT 40-16-09-755517

ORIGINAL

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

Name PET-CHEM EQUIPMENT CORP.

Street/P.O. Box 2 RICH AVENUE

City ERDENHEIM State PA Zip 19038

2. UTILITY NAME (RESPONDENT)

Name of utility company your complaint concerns: PECO ENERGY

3. TYPE OF UTILITY (check one)

ELECTRIC

STEAM HEAT

GAS

WASTE WATER

WATER

MOTOR CARRIER
(taxi, moving company, limousine)

TELEPHONE
(local, long distance)

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.

SEE ATTACHED LETTER DATED 1/17/07.

5. **RELIEF**

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

GOING FORWARD TO REMOVE THE CURRENT PAST DUE CHARGES IN THE AMOUNT OF \$463.99 FROM OUR PECO ENERGY MONTHLY INVOICE. ONLY INVOICE US FOR OUR CURRENT CHARGES AND CLEAR THE BACK COMPLAINT ACTIVITY. THIS COMPLAINT STARTED 2/2006 AND YOU HAVE BEEN CHARGING LATE FEES IN ADDITION TO THIS EACH MONTH.

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
- WE HAVE NO IDEA WHAT THIS IS.

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 WE HAVE BUT WE ARE A CORPORATION.
(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 EDWARD CHRISTOPHER SMITH, 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).

Edward Christopher Smith 1/17/07
 (Signature) (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. WE WILL IF THIS MATTER IS NOT RESOLVED.

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
--	--

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.

PET-CHEM EQUIPMENT CORPORATION

EQUIPMENT FOR THE PETROLEUM
AND CHEMICAL INDUSTRY

P.O. Box 206 Flourtown, Pennsylvania 19031

215-836-2330
FAX: 215-836-4870
petchem@earthlink.net

February 6, 2006

PECO ENERGY
2301 Market Street
Philadelphia, PA 19101

PA PUBLIC UTILITY COMMISSION
P. O. Box 3265
Harrisburg, PA 17105-3265

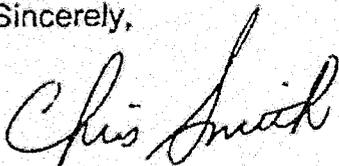
COMMERCE ENERGY, INC.
600 Anton Boulevard
Costa Mesa, CA 92626

Attn: Supervisor – Problem Resolution Desk

RE: Account Number 40-16-09-755517

First we have been a prompt paying customer for 45 years. In attempting to get this account adjusted we have been switched to a dozen attendants whom had no interest in helping us what so ever. One of your account reps suggested we send in \$50 to your High bill department to have our meter checked. We have received no reply and want our \$50 refunded. We were illegally switched to Electric America/Commerce Energy in 2003 from what we gather and were overcharged from that point on. We will not dispute invoices dating back that far but insist you get our January and February invoice re-rated using PECO as our only provider. We feel this is a fair option and will withhold the credited amounts for January and February until you re-invoice us.

Sincerely,



Chris Smith
President

Enclosures: Copies of PECO invoices, check No. 55305

PET-CHEM EQUIPMENT CORPORATION

EQUIPMENT FOR THE PETROLEUM
AND CHEMICAL INDUSTRY

P.O. Box 208 Flourtown, Pennsylvania 19031

215-836-2330
FAX: 215-836-4870
petchem@earthlink.net

January 9, 2006

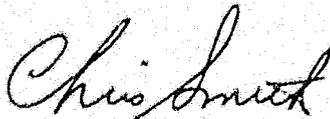
Peco Energy
High Bill Department
2301 Market Street
Philadelphia, PA 19101

RE: Account No. 40-16-09-755517

Attention: High Bill Department

After a lengthy discussion with your office at 1-800-494-4000 we have no choice but to request you come and check our meter. We presented all pertinent information and received no help or advice except to send you \$50 and have our meter checked. We are very concerned that first, our Generation and Transmission company was switched without our knowledge. That said, we discussed over and over the fact that our charges for this area on our January 2005 bill were \$85; our charges for this area on our January 2006 bill were \$237.99. Even more disturbing is the fact that on our December 2005 bill the charges were only \$64. We are disputing the January 2006 bill until a satisfactory answer is provided. We have been a valued customer of PECO for over 45 years. We need an answer and a phone call to discuss this letter and the January 2006 bill

Sincerely,



Chris Smith
President

Copies of PECO bills



An Exelon Company

YOUR MONTHLY BILL

Your Account Number is: 40-16-09-755517

Your Next Scheduled Meter Reading:
February 22, 2006

2/06

Service To: PET-CHEM EQUIPMENT CORP
2 RICH AV
ERDENHEIM PA 10038-8108

If you have Any Questions of Concerns, Call
PECO Energy at 1-800-494-4000 Before the
Due Date between 7 A.M. and 6 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: January 27, 2006

Billing For Your Energy Use:

Balance from last bill		\$491.54	\$491.54
No Late Charge On	\$491.54		
Late Charge - 1.25%	\$133.14		
Balance at Billing	\$358.40	\$4.49	\$496.02

PECO Energy Company, EIN 23-0970240, is a
corporation exempt from federal back-up
withholding and information reporting.

Cost of Energy Used:

Summary of New Charges (Details on Next Page)
From December 22, 2005 to January 25, 2006

PECO Energy Charges	126.50
Sales Tax	7.59
COMMERCE ENERGY, INC. Charges	387.61

New Charges	\$521.70
New Balance	\$1,017.72

3.06% estimated Gross Receipts Tax of \$22.11 included in new
charges. PECO Energy's new charges contain \$50.05 intangible
Transition Charges.

Total Amount Due
February 21, 2006 \$1,017.72

MESSAGE CENTER

COMMERCE ENERGY, INC. - electricAmerica is now Commerce Energy Inc 1-800-550-8457

Fold & Tear Here. Mail Bottom Part With Your Payment.

PECO 34

- Make checks payable to "PECO Energy".
- Please print your account number on your check.
- Check here if you have included a message.

If Paying In Person, Bring Entire Bill With You
Due Date February 21, 2006

Please Pay \$1,017.72
Amount Enclosed 134 09
Account # 40-16-09-755517

*****AUTO**3-DIGIT 190
2305601-000421-000450 T000004 P004 RAT

PET-CHEM EQUIPMENT CORP
PO BOX 206
FLOURTOWN PA 19031-0206
|||||



40160975551701013772000496020004915402 6 02210

Account Number: 40-16-09-755517 Billing Details PET-CHEM EQUIPMENT CORP

Energy Used This Month Meter Reading Information and New Charges

General Information
PECO ENERGY, 2301 MARKET ST. PHILADELPHIA, PA, 19101. WALK IN BUSINESS HOURS MONDAY THROUGH FRIDAY 8:30 AM TO 5:00 PM, 1-800-494-4000, WWW.PECO.COM

COMMERCE ENERGY, INC., 800 ANTON BLVD, COSTA MESA, CA, 92626, 8:00 A.M. - 9:00 P.M. EST, 877-226-5392, WWW.COMMERCEENERGY.COM

Rate: GS Electric General Service - General Load Meter# 99 3912877
 To January 25, 2006 61042 - Actual Reading
 From December 22, 2005 59708 - Actual Reading
 Kilowatt hours (kWh) billed for 34 days 01338
 Billed Demand 6.5 KW

PECO ENERGY Charges
 Customer Charge 8.81
 Distribution Charges (\$.0344 X 520.0000 kWh) 28.29
 Transition Charges (\$.0869 X 520.0000 kWh) 51.52
 Total Basic Charges for 1336.0000 kWh 86.62
 State Tax Adjustment - .50

COMMERCE ENERGY, INC. Charges / 877-226-5392
 Generation Fee 4.85
 Generation and Transmission Charges 1336.00 kWh @ 0.1200 160.32
 Sales Tax 21.64
 Total Basic Charges 187.21
New Charges \$273.24

Rate: GS Electric General Service - Heat Meter# 99 3912678
 To January 25, 2006 04251 - Actual Reading
 From December 22, 2005 01245 - Actual Reading
 Kilowatt hours (kWh) billed for 34 days 01670
 Demand 6.5KW Metered 13.5KW
 Totalizer Registration (kWh) 003008
 Subtract General Load (kWh) - 001338
 Electric Heat Billed (kWh) 001670

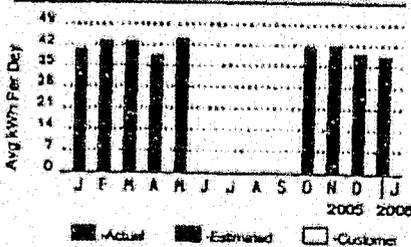
PECO ENERGY Charges
 Customer Charge .00
 Distribution Charges (\$.0081 X 1670.0000 kWh) 13.53
 Transition Charges (\$.0163 X 1670.0000 kWh) 27.22
 Total Basic Charges for 1670.0000 kWh 40.75
 State Tax Adjustment - .28

COMMERCE ENERGY, INC. Charges / 877-226-5392
 Generation and Transmission Charges 1670.00 kWh @ 0.1200 200.40
 Total Basic Charges 200.40
New Charges \$240.87

Your Electric Use Pattern

Average kWh per month 806.5
 Total Annual kWh 10,099.0

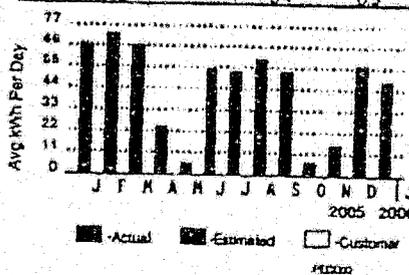
	Last Year	This Year
kWh per day	41.4	39.2
Meter Reading	Actual	Actual
Average Temperature	34°	41°



Your Electric Use Pattern

Average kWh per month 1,348.0
 Total Annual kWh 16,176.0

	Last Year	This Year
kWh per day	68.2	49.1
Meter Reading	Actual	Actual
Average Temperature	34°	41°
Billed Demand	6.4	6.5



125/05

Account Number: 4C-16-09-75517 Billing Details PET-CHEM EQUIPMENT CORP

Energy Used This Month Meter Reading Information and New Charges

General Information
PECO ENERGY, 2301 MARKET ST, PHILADELPHIA, PA. 19101, WALK-IN BUSINESS HOURS MONDAY THROUGH FRIDAY 6:30 AM TO 5:00 PM, 1-800-494-4000, WWW.PECO.COM

ELECTRIC AMERICA, INC., 15001 RED HILL AVE, TUSTIN, CA, 92780, 800-556-8457

Rate 99 Electric General Service - General Load Meter# 993912677

To December 22, 2004	4482	- Actual Reading
From November 22, 2004	4328	- Actual Reading
Kilowatt hours (kWh) billed for 30 days	01274	
		Billed Demand 6.5 KW

PECO ENERGY Charges

Customer Charge		8.61
Distribution Charges	(\$ 0344 X 520.0000 kWh)	
Transition Charges	(\$ 0103 X 754.0000 kWh)	25.85
	(\$ 0685 X 520.0000 kWh)	
	(\$ 0210 X 754.0000 kWh)	51.45
Total Basic Charges for 1274.0000 kWh		85.91
State Tax Adjustment		- .30

ELECTRIC AMERICA, INC. Charges / 800-556-8457

Generation and Transmission Charges 1274.00 kWh @ 0.0753	95.95
Sales Tax	8.88
Total Basic Charges	104.63
New Charges	\$190.44

Rate 99 Electric General Service - Heat Meter# 993912678

To December 22, 2004	74308	- Actual Reading
From November 22, 2004	71897	- Actual Reading
Kilowatt hours (kWh) billed for 30 days	01337	
		Demand 6.5KW Metered 11 KW
Totalizer Registration (kWh)	002611	
Subtract General Load (kWh)	-001274	
Electric Heat Billed (kWh)	001337	

PECO ENERGY Charges

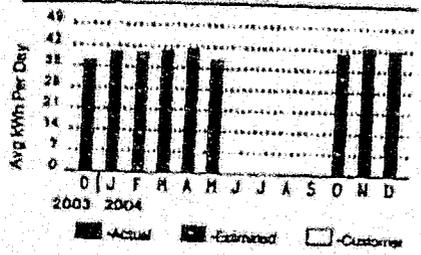
Customer Charge		.00
Distribution Charges	(\$ 0081 X 1337.0000 kWh)	10.83
Transition Charges	(\$ 0166 X 1337.0000 kWh)	22.48
Total Basic Charges for 1337.0000 kWh		33.29
State Tax Adjustment		- .12

ELECTRIC AMERICA, INC. Charges / 800-556-8457

Generation and Transmission Charges 1337.00 kWh @ 0.0389	52.02
Total Basic Charges	52.02
New Charges	\$85.19

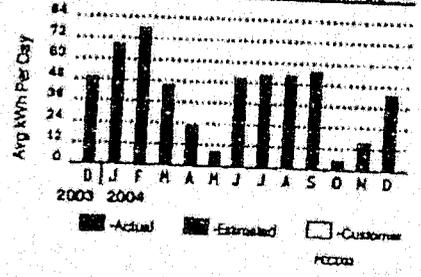
Your Electric Use Pattern

Average kWh per month	841.4
Total Annual kWh	10,097.0
	Last Year This Year
kWh per day	38.0 42.4
Water Heating	Actual Actual
Average Temperature	38° 42°



Your Electric Use Pattern

Average kWh per month	1,202.9
Total Annual kWh	15,635.0
	Last Year This Year
kWh per day	49.8 44.5
Water Heating	Actual Actual
Average Temperature	38° 42°
Billed Demand	6.2 6.5



Account Number: 40-16-09-755517 Billing Details PET-CHEM EQUIPMENT CORP

Energy Used This Month Meter Reading Information and New Charges

General Information
 PECO ENERGY, 2301 MARKET ST, PHILADELPHIA, PA, 19101, WALK-IN BUSINESS HOURS MONDAY THROUGH FRIDAY 8:30 AM TO 5:00 PM, 1-800-494-4000, WWW.PECO.COM

COMMERCE ENERGY INC., 600 ANTON BLVD, COSTA MESA, CA, 92626, 8:00 A.M. - 6:00 P.M. EST, 877-226-5392, WWW.COMMERCEENERGY.COM

Rate GS_Electric General Service - General Load Meter# 893912677
 To November 22, 2005 58310 - Actual Reading
 From October 25, 2005 57216 - Actual Reading
 Kilowatt hours (kWh) billed for 28 days 01194
 Billed Demand 6.2 KW

PECO ENERGY Charges
 Customer Charge 8.81
 Distribution Charges (\$.0344 X 496.0000 kWh) 24.25
 Transition Charges (\$.0103 X 496.0000 kWh) 24.25
 (\$.0969 X 496.0000 kWh)
 (\$.0205 X 698.0000 kWh) 47.49
 Total Basic Charges for 1194.0000 kWh 80.55
 State Tax Adjustment 5.55

COMMERCE ENERGY, INC. Charges / 877-226-5392
 Generation Fee 4.95
 Generation and Transmission Charges 1194.00 kWh @ 0.1144 136.56
 Sales Tax 11.67
 Total Basic Charges 153.18
 New Charges \$233.18

Rate GS_Electric General Service - Heat Meter# 903912678
 To November 22, 2005 98332 - Actual Reading
 From October 25, 2005 88874 - Actual Reading
 Kilowatt hours (kWh) billed for 28 days 00464
 Demand 6.2KW Metered 11.3KW
 Totalizer Registration (kWh) 001658
 Subtract General Load (kWh) - 892194
 Electric Heat Billed (kWh) 000464

PECO ENERGY Charges
 Customer Charge .00
 Distribution Charges (\$.0081 X 464.0000 kWh) 3.76
 Transition Charges (\$.0163 X 464.0000 kWh) 7.56
 Total Basic Charges for 464.0000 kWh 11.32
 State Tax Adjustment -.06

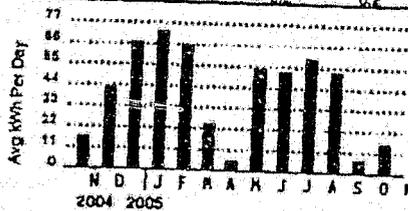
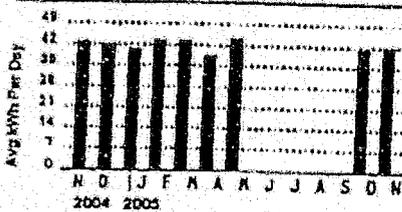
COMMERCE ENERGY, INC. Charges / 877-226-5392
 Generation and Transmission Charges 464.00 kWh @ 0.1144 53.07
 Total Basic Charges 53.07
 New Charges \$64.31

Your Electric Use Pattern

Average kWh per month	649.1	
Total Annual kWh	Last Year	This Year
	43.6	42.6
kWh per day	Actual	Actual
Meter Reading	50'	51'
Average Temperature		

Your Electric Use Pattern

Average kWh per month	1,370.4	
Total Annual kWh	Last Year	This Year
	17.1	16.5
kWh per day	Actual	Actual
Meter Reading	50'	51'
Average Temperature		
Billed Demand	6.2	6.2



11/05



An Exelon Company

YOUR MONTHLY BILL

Your Account Number is: 40-18-99-755517

Your Next Scheduled Meter Reading:
January 25, 2005

1/05

Service To: PET-CHEM EQUIPMENT CORP
2 RICH AV
ERDENHEIM PA 19038-8108

If you have Any Questions or Concerns, Call
PECO Energy at 1-800-494-4000 Before the
Due Date between 7 A.M. and 6 P.M. Mon - Fri,
on Sat between 9 A.M. - 1 P.M., or write P.O.
Box 8689 , Phila., PA 19101.
Si tiene alguna pregunta o queja, llame al
1-800-494-4000 antes de la fecha vencida.

Billing Date: December 26, 2004

Billing For Your Energy Use:	
Balance from last bill	\$216.63
Payment Dec.22 - Thank You!	-\$216.63
Balance at Billing	\$0.00

PECO Energy Company, EIN 23-0070240, is a
corporation exempt from federal back-up
withholding and information reporting.

Cost of Energy Used:

Summary of New Charges (Details on Next Page)
From November 22, 2004 to December 22, 2004

PECO Energy Charges.....	118.78
Sales Tax.....	7.13
ELECTRIC AMERICA, INC. Charges.....	156.65

New Charges	\$282.76
New Balance	\$282.76

5.9 % estimated Gross Receipts Tax of \$15.73 included in new
charges. PECO Energy's new charges contain \$53.74 intangible
Transition Charges.

Total Amount Due January 24, 2005	\$282.76
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MESSAGE CENTER

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

ELECTRIC AMERICA, INC. - CALL 1-800-556-8457 REGARDING ANY QUESTIONS ON YOUR
electricAmerica ACCOUNT

JAN 10 2005

PET-CHEM EQUIP CORP.

Fold & Tear Here. Mail Bottom Part With Your Remittance

PECO

PET-CHEM EQUIPMENT CORPORATION

EQUIPMENT FOR THE PETROLEUM
AND CHEMICAL INDUSTRY

P.O. Box 206 Flourtown, Pennsylvania 19031

215-836-2330
FAX: 215-836-4870
petchem@earthlink.net

January 18, 2007

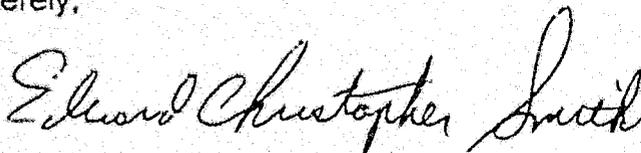
Secretary
Pennsylvania Energy Utility Commission
P. O. Box 3265
Harrisburg, PA 17105

RE. Account No. 40-16-09-755517 to 10/06
Account No. 94763-01107 10/06 to current

To Whom It May Concern:

Your Formal Complaint Form is attached to this letter which we shall try to be short and to the point according to your instructions. At some point in time Peco Energy selected a group of random companies and switched the Generation and Transmission charges to a company called Electric America/Commerce Energy. We have made all the appropriate phone calls, letters, etc. and have been directed to send this to you as our last resort. The primary charges disputed were in 1/2006 and 2/2006 (copies attached) at which time those charges tripled. We asked for nothing other than a credit for the overcharges for those months involved because we were switched illegally without our approval. We were switched immediately back to Peco upon our first phone call and complaint and they have chosen not to do anything about issuing us a credit. The balance has been carried forward and they have been charging a late fee each month as well. We have been a prompt paying customer for over 50 years. Please issue a credit for \$463.99 on our current PECO energy account and close the file on this complaint.

Sincerely,



Edward Christopher Smith
President

Copies of PECO bills, letters, etc.



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

IN REPLY PLEASE
REFER TO OUR FILE

DATE SERVED: January 25, 2007

C-20077303

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 PET-CHEM EQUIPMENT CORP.. 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.

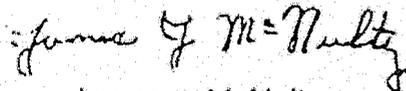
Detailed instructions on how to proceed are contained in the attached pages. You are advised to read them carefully.

January 25, 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

ane

BEFORE THE PENNSYLVANIA PUBLIC UTILITY COMMISSION

DATE SERVED: January 25, 2007

DOCUMENT
FOLDER

PET-CHEM EQUIPMENT CORP.
Complainant

v.

PECO ENERGY COMPANY
Respondent

Complaint Docket
No: C-20077303

DOCKETED
JAN 25 2007

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).

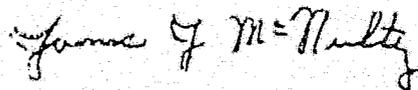
2. If you fail to either satisfy this complaint or to file answer or other responsive pleading within twenty (20) days, you will be deemed to have admitted all the allegations in this complaint in accordance with Section 5.61 of the Commission's Rules of Administrative Practice and Procedure, 52 Pa.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

ORIGINAL

Direct Dial 215 841 6841

February 15, 2007

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

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FEB 15 2007

Re: Pet-Chem Equipment Corp. v. Peco Energy Company
PUC Docket No. C-20077303

PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

Dear Mr. McNulty,

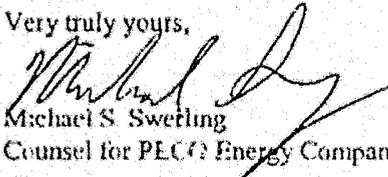
Enclosed for filing with the Commission are the following documents and copies in the matter referenced above.

- 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

MSS/zr

Enc.

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

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

PET-CHEM EQUIPMENT CORP.

v.

PECO ENERGY COMPANY

DOCKET NO. C-20077303

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ANSWER OF RESPONDENT,
PECO ENERGY COMPANY

PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

PECO Energy Company ("PECO Energy"), pursuant to 52 Pa. Code § 5.61, responds to

the Complaint and states:

1. Admitted.
2. Admitted.
3. Admitted.

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FEB 21 2007
ORIGINAL

4. Denied in part and admitted in part. PECO Energy denies that there are any

incorrect charges on Complainant's bill. PECO Energy also denies that it improperly charged Complainant late fees.

PECO Energy admits that on or about May 23, 2003 it switched Complainant to Electric America as its electric supplier under the Market Share Threshold (MST) program that was approved by the Public Utilities Commission. Electric America later switched its name to Commerce Energy on May 25, 2004 as Complainant's new electric supplier, but not through the actions of PECO Energy. Pursuant to the rules established under electric restructuring, PECO Energy billed Complainant for electricity supplied by Electric America and, later, Commerce Energy. Complainant did not initially opt out of this program and its service provider remained Commerce Energy until January 26, 2006 when it transferred back to PECO Energy Company.

Even though Complainant may not have authorized the service to be switched to Electric America originally, any disagreement over the amount of charges or rates prior to January 26, 2006 is between Complainant and Commerce Energy, because they were Complainant's service provider and PECO Energy has nothing to do with Commerce Energy's rate schemes.

PECO Energy cannot comment on whether Electric America or Commerce Energy overcharged Complainant as this is an issue that must be pursued against Commerce Energy, because PECO Energy cannot answer on Commerce Energy's behalf. PECO Energy alleges that PECO Energy was not Complainant's service provider from May 23, 2005 through January 25, 2006 and that Electric America and Commerce Energy charged Complainant its disputed rates.

PECO Energy specifically denies that it illegally transferred Complainant to another service provider under the MST program. PECO Energy further denies that it provided improper notice or misinformed Complainant regarding its transfer under the MST program or its ability to opt-out. PECO Energy would also like to aver that Complainant participated in the MST Program for three years before complaining that it was illegally transferred to Electric America.

In regards to Complainant disputing PECO Energy charges from January 2006, it is not providing the full story. Complainant is attempting to compare charges from January 27, 2005, when it was only with Commerce Energy, to charges from January 27, 2006, when it was with Commerce Energy for most of the month and then with PECO Energy for the remainder. Complainant is comparing only the PECO Energy distribution charges from its January 27, 2005

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PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

bill, to its entire PECO Energy bill from January 27, 2006, containing both Commerce Energy and PECO Energy charges. The proper billing comparison is below:

January 27, 2005 bill
Provider: Commerce Energy (Includes General Service and Space Heating)
PECO Electric Charges (Distribution): \$89.26
PECO Electric Charges (Distribution): \$57.54
PECO Sales Tax: \$5.36
PECO Sales Tax: \$3.45
Commerce Energy Electric Charges (Supplier): \$101.51
Commerce Energy Electric Charges (Supplier): \$90.23
Commerce Energy Sales Tax: \$11.50
Total Bill: \$358.85

January 27, 2006 bill
Provider: Commerce Energy & PECO Energy (Includes General Service and Space Heating)
PECO Electric Charges (Distribution): \$126.50
PECO Sales Tax: \$7.59
Commerce Energy Electric Charges (Supplier): \$387.61 (from 1/1/06 -- 1/25/06)
Total Bill: \$521.70

The part of the January 27, 2006 bill that Complainant is truly disputing is the excessive supplier charges of \$387.61. PECO Energy is not responsible for charging the \$387.61 to Complainant and cannot do anything about those charges for Complainant. Any dispute over the \$387.61 supplier charge is between Complainant and Commerce Energy.

Also, the \$126.50 in PECO Energy charges for the January 27, 2006 bill are not just distribution charges. The \$126.50 contains distribution charges plus regular electric usage charges after Complainant was transferred back to PECO Energy.

Complainant also seems to be disputing its February 2006 bill. However, Complainant does not plead any facts as to why it believes there is anything incorrect with that

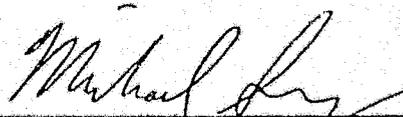
bill. Therefore, PECO Energy will deny that there is anything incorrect with the charges on Complainant's February 2006 bill.

A decision of the Bureau of Consumer Services ("BCS") issued on or about October 11, 2006 found that Complainant was randomly selected to participate in the MST Program on May 23, 2003. The Complainant was advised of the switch to Electric America and then to Commerce Energy. Letters were mailed to Complainant informing it of Commerce Energy's rate change from a fixed rate to a variable rate. A copy of the BCS decision is attached as Exhibit A.

4. This paragraph is a request for relief and no answer is required.
5. PECO Energy is without sufficient information to confirm or deny this statement.
6. 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
Direct Dial: 215.841.6841;
Fax: 215.568.3389

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

PET-CHEM EQUIPMENT CORP

v.

PECO ENERGY COMPANY

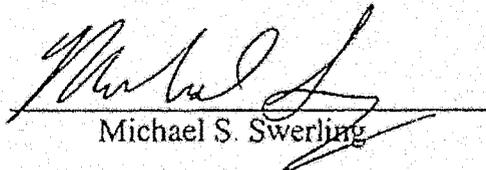
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DOCKET NO. C-20077303

VERIFICATION

I, Michael S. Swerling, 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: February 14, 2007


Michael S. Swerling

Date 2/15/07

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

Case Number: 2036532
Customer Name: PET-CHEM EQUIPMENT CORP
Address: 2 RICH AVENUE
ERDENHEIM PA 19038-8108

Opened On: 2/21/06
Utility Type: Electric Distributor
Account Number: 8888888888
Company Name: PECO Energy

Prior Case: Total Balance: \$450.49 Balance Date:
Compliance Violation(Alleged, Actual, No): NO Chap 56/64/Other: Section/Rule:
Decision Issued: N Oral Written: 0
Investigator: KEPNER SHEILA PUC Decision Issued Dt: PUC Case Closed Dt: 10/11/06
Decision Recvd Dt: 10/11/06 12.25PM

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:

Resolution:

VERBAL CLOSE COMMERCIAL ACCT SPOKE TO LINDA SANDOLI (COMPTROLLER) AND ADVISED WAS RANDOMLY SELECTED TO PARTICIPATE IN MST PROGRAM 5/23/03. ADV WAS SWITCHED TO ELECTRIC AMERICA AND THEN NAME WAS CHANGED TO COMMERCE ENERGY AND WAS MADE AWARE OF THE CHANGE. ADV WAS SWITCHED TO COMMERCE 5/25/04. ADV 6/1/05 AND 6/7/05 LTRS MAILED INFORMING RATE CHANGE FROM FIXED RATE TO VARIABLE RATE. CU NOT SATISFIED. CLOSING CASE INFORMALLY. SENT CU FORMAL COMPLAINT FORMS.

Exhibit "A"

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

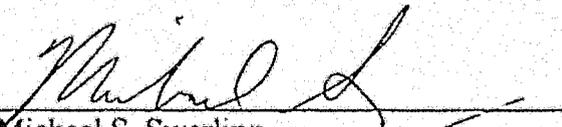
PET-CHEM EQUIPMENT CORP. :
 :
 v. : DOCKET NO. C-20077303
 :
 PECO ENERGY COMPANY :

CERTIFICATE OF SERVICE

I, Michael S. Swerling, 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:

PET-CHEM EQUIPMENT CORP.
P.O. Box 206
Flourtown, PA 19031

Dated at Philadelphia, Pennsylvania, February 14, 2007.


Michael S. Swerling
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

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PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

PET-CHEM EQUIPMENT CORP.

v.

PECO ENERGY COMPANY

DOCKET NO. C-20077303

NOTICE TO PLEAD

Pursuant to 52 Pa. Code §§ 5.101(b) and 5.62(c), you are hereby notified that, if you do not file a written response denying or correcting the enclosed Preliminary Objection of PECO Energy Company, within 10 days from service of this notice, and if you do not file a written response denying or correcting the enclosed New Matter within 20 days from service of this notice, the facts set forth by PECO Energy Company in the New Matter and Preliminary Objection may be deemed to be true, thereby requiring no other proof. All pleadings, such as a Reply to New Matter or Preliminary Objection, must be filed with the Secretary of the Pennsylvania Public Utility Commission, with a copy served to counsel for PECO Energy Company, Michael S. Swerling, and where applicable, the Administrative Law Judge presiding over the issue.

File with:

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

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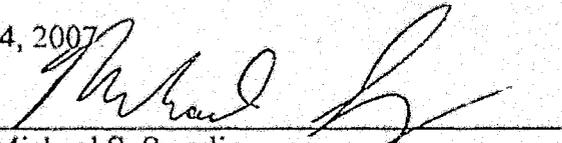
FEB 15 2007

With a copy to:

Michael S. Swerling, Esq.
PECO Energy Company
2301 Market Street, S-23
Philadelphia, PA 19103

PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

Dated at Philadelphia, PA, February 14, 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

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

PET-CHEM EQUIPMENT CORP. :

v. :

PECO ENERGY COMPANY :

DOCKET NO. C-20077303

DOCUMENT
FOLDER

PRELIMINARY OBJECTION OF RESPONDENT, PECO ENERGY COMPANY

Respondent, PECO Energy Company ("PECO Energy"), pursuant to 52 Pa. Code § 5.101(1) respectfully petitions this Honorable Commission to dismiss the instant Complaint pursuant to 52 Pa Code § 5.101 (a) (2) and (4) for the following reasons:

1. On or about January 17, 2007, Complainant filed a complaint with the Pennsylvania Public Utility Commission ("PUC") alleging improper charges on its bill.
2. On or about January 25, 2007, PECO Energy was served the above-mentioned Formal Complaint.
3. In the Formal Complaint, Complainant disputed the legality of transferring it to another provider under the Market Share Threshold (MST) program because Complainant claims it was charged excessive rates by Commerce Energy.
4. The Complaint should be dismissed pursuant to 52 Pa. Code § 5.101(a)(2) and (4) as it fails to conform to the requirements of Chapter 5 and because it lacks legal sufficiency in that (1.) PECO Energy transferred Complainant to another provider under the MST program as required and approved by the Public Utility Commission, and (2) PECO Energy did not charge Complainant any excessive rates

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PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

5. Therefore, since PECO Energy's transfer of Complainant originally to Electric America was legal pursuant to the MST Program, the Complaint should be dismissed because PECO Energy acted properly under statutes and regulations.

6. The Complaint should be further dismissed because PECO Energy did not overcharge Complainant and any dispute as to charges involving Commerce Energy should be dismissed against PECO Energy, as PECO Energy is not responsible for those rates or charges.

WHEREFORE, PECO Energy Company respectfully requests that your Honorable Commission dismiss the Complaint because PECO Energy did nothing improper by switching Complainant to an alternate supplier. PECO Energy is also not responsible for any charges or rates of Commerce Energy or Electric America. Therefore, since PECO Energy did nothing in violation of any statute or regulation, this Complaint should be dismissed pursuant to 52 Pa. Code § 5.101(a)(2) and (4) as it fails to conform to the requirements of Chapter 5 and it lacks legal sufficiency.

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

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FEB 15 2007

PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

PET-CHEM EQUIPMENT CORP.

v.

PECO ENERGY COMPANY

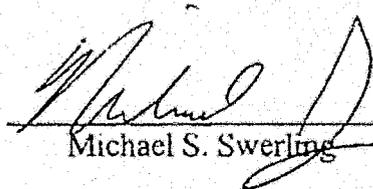
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DOCKET NO. C-20077303

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: February 14, 2007



Michael S. Swerling

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

PET-CHEM EQUIPMENT CORP.

v.

PECO ENERGY COMPANY

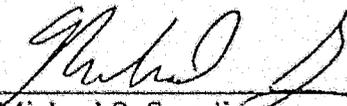
DOCKET NO. C-20077303

CERTIFICATE OF SERVICE

I hereby certify that I have this day served a copy of PECO Energy Company's Preliminary Objection in the above matter upon all interested parties by mailing a copy thereof properly addressed and postage prepaid to:

PET-CHEM EQUIPMENT CORP.
P.O. Box 206
Flourtown, PA 19031

Dated at Philadelphia, Pennsylvania, February 14, 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



COMMONWEALTH OF PENNSYLVANIA
PENNSYLVANIA PUBLIC UTILITY COMMISSION
Administrative Law Judge
P.O. BOX 3265, HARRISBURG, PA 17105-3265
February 27, 2007

IN REPLY PLEASE
REFER TO OUR FILE

Re: C-20077303

(SEE ATTACHED LIST)

Pet-Chem Equipment Corp. v. PECO Energy Company

Billing dispute.

Motion Judge Assignment Notice

This is to inform you that a Preliminary objection was filed on the above-captioned case. This objection is being assigned to Chief Administrative Law Judge Veronica A. Smith for ruling. The Commission rule of practice at 52 Pa. Code §5.101 specifies that the person who filed the complaint has ten (10) days from the date the objection was served on you to file an answer.

If you file any pleading or document relating to this objection with the Secretary of the Commission, please provide a duplicate copy to the judge.

Procedural questions or comments should be directed to the judge at:

717-783-5452

pc: Special Agent Rumsey
Janean Spiegel
Beth Plantz
Docket Section

DOCUMENT
FOLDER

BTL

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MAR 2 - 2007

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MAR - 2 2007

PA PUBLIC UTILITY COMMISSION
SECRETARY'S OFFICE