

BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION

PLEASE DOCKET

Joseph M. Scheidly

v.

PECO Energy Company

**DOCKETED**  
APR 06 2006

C-20065789

PREHEARING ORDER

**DOCUMENT  
FOLDER**

An Initial Hearing in this case is scheduled for Wednesday, April 26, 2006 at 9:30 a.m. in Hearing Room 2 in the Philadelphia State Office Building. This case is one of several cases that have been scheduled at this time in Hearing Room 2. You must be available in the hearing room when your case is called by the presiding Administrative Law Judge. You should arrive at the Hearing Room no later than 9:15 a.m. and wait in the Hearing Room until the Administrative Law Judge calls your case. Your case might not be the first one to be called and you should be prepared to stay in the hearing room all morning, if necessary. If the customer is not present and prepared to go forward with the case when it is called, the case will be dismissed by the Administrative Law Judge.

The parties are hereby directed to comply with the following requirements:

1. A request for a change of the scheduled hearing date must state the agreement or opposition of other parties, and must be submitted in writing no later than five (5) business days prior to the hearing. 52 Pa. Code §1.15(b). Requests for changes of hearing dates must be sent to me and all parties of record. The correct address is:

1302 Philadelphia State Office Building  
1400 West Spring Garden Street  
Philadelphia, PA 19130  
Telephone: 215-560-2105  
Fax: 215-560-3133

Changes are granted only in rare situations where good cause exists.

2. Commission policy promotes settlements. 52 Pa. Code §5.231(a). The utility will contact the customer at least one week before the scheduled hearing to talk over a possible settlement of this case. Even if you are unable to settle this case, you may still resolve many questions or issues during your talks. If an agreement is reached, a formal hearing will not be necessary and the scheduled hearing will be cancelled.

3. If you intend to present any documents or exhibits for my consideration, you must bring four (4) copies to the hearing.

4. This hearing is a formal proceeding and will be conducted in accordance with the Commission's Rules of Practice and Procedure.

5. Pursuant to 52 Pa. Code §§1.21 & 1.22, you may represent yourself, if you are an individual, or you may have an attorney licensed to practice law in the Commonwealth of Pennsylvania, or admitted *Pro Hac Vice*, represent you. However, if you are a partnership, corporation, trust, association, or governmental agency or subdivision, you must have an attorney licensed to practice law in the Commonwealth of Pennsylvania, or admitted *Pro Hac Vice*, represent you in this proceeding. Unless you are an attorney, you may not represent someone else. Attorneys shall insure that their appearance is entered in accordance with the provisions of 52 Pa. Code §1.24(b).

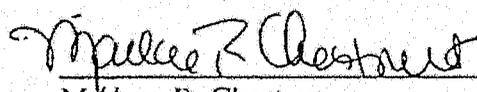
6. If you intend to subpoena witnesses for the hearing, you should review the procedures established in 52 Pa. Code §5.421. You must submit your written application to the Administrative Law Judge sufficiently in advance of the hearing date so that the other parties will have the required ten (10) days' notice to answer or object, and so that you will have enough time to receive the subpoena and serve it.

7. The Complainant is responsible for payment of current undisputed bills for service pending the resolution of this complaint. 52 Pa. Code §56.181. Failure to make payments may result in the termination of utility service.

8. THE COMPLAINT WILL BE DISMISSED IF THE CUSTOMER FAILS TO PARTICIPATE IN THE HEARING AND PRESENT EVIDENCE IN SUPPORT OF THE COMPLAINT.

9. The complainant bears the burden of proof and must demonstrate by a preponderance of the evidence that respondent violated its tariff, the Public Utility Code or a Commission order or regulation, and that he/she is entitled to the relief requested in the Complaint.

Date: March 27, 2006

  
\_\_\_\_\_  
Marlane R. Chestnut  
Administrative Law Judge

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

JOSEPH M. SCHEIDL Y

V.

In Re C-20065789

PECO ENERGY COMPANY

MOTION FOR SUMMARY JUDGMENT

The complainant Joseph M. Scheidly ( hereby known as Mr. Scheidly) files this Motion for Summary Judgment as a matter of law want of plea / answer pursuant to P.A.C.S.A. 237.1 by the respondent, Peco energy Company (hereby known as PECO) and states the following

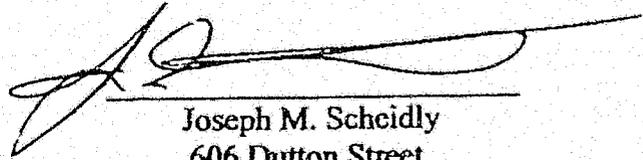
On January 16, 2006 Mr. Scheidly filed a formal complaint (attached hereto as Exhibit "A") with the Pennsylvania Public Utilities Commission (hereby Known as PUC) At #4 of exhibit "A" Mr. Scheidly in a cause of action, requested a hearing to address his rights against double jeopardy arising under Article 1 sec10 of the Pennsylvania Constitution , the respondent PECO in their answer (attached hereto as exhibit "B") giving no genuine issue of material fact refused to answer complainants complaint or plead a defense and in conjunction with the above the language in the respondents answer (exhibit "B" )also suggest a frivolous attempt to answer the complainants complaint ( exhibit "A" at 4 ).

WHEREAS , The complainant has read and fully understands before a Summary Judgment can prevail there has to be no genuine issue of material facts here we have the respondent who refused to plead a defense (exhibit "B") in answer to the complainants complaint (exhibit "A" at #4 ) leaving no ambiguities genuine issue of material facts exist , accordingly the complainant Mr. Scheidly respectfully requests a Summary Judgment in his favor as a matter for want of plea /answer pursuant to P.A.C.S.A.237.1 ,with relief granted as outlined at #5 of his complaint .

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**DOCKETED**  
DEC 15 2006

Respectfully Submitted

A handwritten signature in black ink, appearing to read 'Joseph M. Schcidly', written over a horizontal line.

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

Date April 8, 2006

EXHIBIT – “A”

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Formal Complaint Form

Please print or type.

1. CUSTOMER NAME (COMPLAINANT)

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

Name Joseph M. Scheidly

Street/P.O. Box 606 Dulton Street Apt #

City Aston State Pennsylvania Zip 19014

County Delaware

Area Code/HOME Phone (610) 485-4274

Area Code/WORK Phone

Utility Account Number 50-18-53-044516  
(from your bill)

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 Energy Company

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, Twice charged for late charges  
(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.

As an established customer with PECO who's electric was not shut off I filed an informal complaint with Public Utilities on December 10, 2005 and denied on January 6, 2006 I now move this complaint to a Formal Complaint for the following reason

This commission fails to disclose double late charges on an established customer who's electric has not been shut off suggests Double Jeopardy and in violation arising under Article 1 sec 10 Of the Pennsylvania Constitution and review able in this administration proceeding under the ruling of Del v. W.C.A.B. 687 A. 2d 1211 and Sweeny v. State Board of Funeral Directors 666 A. 2d 1137 accordingly the complainant Joseph M. Scheidly requests a formal hearing to address his rights against Double Jeopardy arising under Article 1 sec 10 of the Pennsylvania Constitution

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5. RELIEF

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

Joseph M. Scheidly (complaint) requests the return of his second late charge called a deposit with interest along with every resident effected.

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

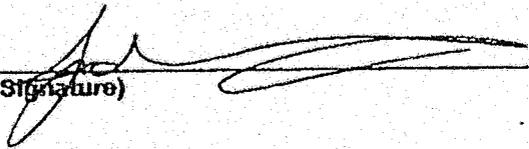
8. VERIFICATION AND SIGNATURE

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 Joseph M. Scheidly (complainant) 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).

Deleted: \_\_\_\_\_

  
(Signature)

1/16/06  
(Date)

**EXHIBIT – “B”**

BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION

JOSEPH M. SCHEIDLY

v.

PECO ENERGY COMPANY

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DOCKET NO. C-20065789

**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 specifically denies that it improperly charged late charges

or improperly charged a deposit to the Complainant's account.

Complainant has been charged a security deposit for delinquency. PECO Energy avers that the security deposit is permitted pursuant to 52 Pa. Code § 56.41. Complainant has a poor payment history with many late payments. By way of further answer, on July 29, 2005, Complainant was charged a \$184.00 security deposit; this deposit was billed in three installments. The first installment of \$92.00 was billed on July 29, 2005 and two additional installments of \$46.00 were billed on August 31, 2005 and September 30, 2005.

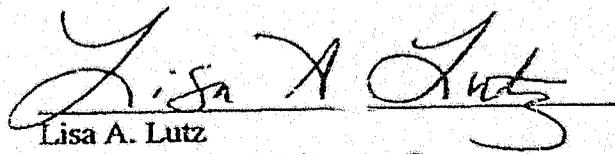
The decision by the Bureau of Consumer Services ("BCS"), entered January 5, 2006, found that PECO Energy was in compliance with all regulations in requesting a security deposit. A copy of the decision is attached hereto as Exhibit A.

The remaining allegations are conclusions of law to which no response is required.

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  
(215) 841-6841  
lisa.lutz@exeloncorp.com

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

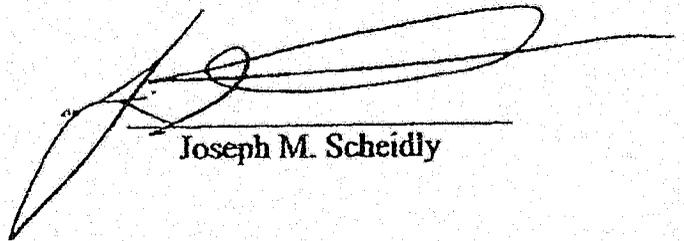
JOSEPH M. SCHEIDL Y

V

C-20065789

PECO ENERGY COMPANY

I, Joseph M. Scheidly hereby under penalty of law state the facts set forth in my MOTION FOR SUMMARY JUDGMENT best of my knowledge are true,



Joseph M. Scheidly

April 8, 2006

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

JOSEPH M., SCHEIDL Y

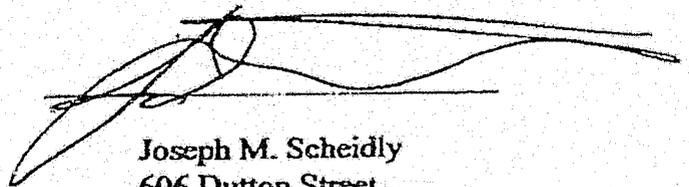
v.

C-20065789

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 a true and correct copy of my MOTION FOR SUMMARY JUDGMENT as a matter of law for failure to plead /answer by certified mail on this day of April 8, 2006



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

Date April 8, 2006



7002 3150 0004 6297 4576

Joseph M. Scheidly  
606 Dutton Street  
Aston, Pa. 19014  
(610) 485 - 4274  
April 10, 2006

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APR 14 2006

PA PUBLIC UTILITY COMMISSION  
SECRETARY'S BUREAU

Commonwealth of Pennsylvania  
Pennsylvania Public Utility Commission  
Office of Administration Law Judge  
P.O. BOX 3265  
Harrisburg, Pa 17105 - 3255

Docket No.C - 20065789

To avoid the hardship and expense of traveling to and from hearing the complainant Joseph M. Scheidly would encounter, he wishes to file this MOTION FOR SUMMARY JUDGMENT As a Matter of law with attached proof of service.

Enclosed for filing is the original and 3 copies of my MOTION FOR SUMMARY JUDGMENT

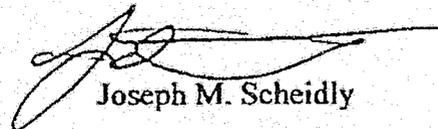
Moved to this office by suggestion of Law Judge Marlane R. Chestnut

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

DOCUMENT  
FOLDER

Very truly Yours

BTL



Joseph M. Scheidly

Copied with cover letter to

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



Joseph M. Scheidly  
606 Dutton Street  
Aston, Pa. 19014  
April 8, 2006

The Honorable Edward Rendell  
2225 Main Capitol Building  
Harrisburg, Pa. 17120

RECEIVED

APR 14 2006

PA PUBLIC UTILITY COMMISSION  
SECRETARY'S BUREAU

RE: Letter of January 16, 2006

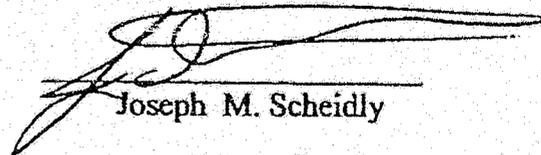
To the Honorable Governor Rendell  
And  
State representative Mr. Barrar

On January 16, 2006 I sent a letter to the captioned with a copy of my complaint in the Pennsylvania Public Utilities Depart complaining I was denied my right against Double Jeopardy arising under Article I sec 10 of the Pennsylvania Constitution when Peco Electric Company charged me twice for late charges.

This complaint has now been moved to Administration law Office of the Pennsylvania Utilities Commission where I filed a Motion for Summary Judgment (copy attached). At this time I would like to offer the following comment to the captioned of this letter

*If the law judge decides in Peco Electric Companies favor a precedent would be set therefore allowing every utility in the state of Pennsylvania to follow suit, if this happens the poor will get poorer for they are the ones (mostly the elderly) that struggle to pay their bills.*

Sincerely, for all the poor and elderly

  
Joseph M. Scheidly

CC : State Representative Stephen Barrar  
With attachments  
Willowbrook Shopping Center  
3358 Chichester Ave.  
Boothwyn, Pa. 19061

05:11:20  
1:20  
P: 2:20